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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Third periodic reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum*

PORTUGAL**

[7 November 1997]

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* The second periodic reports concerning rights covered by articles 1 to 15 submitted by the Government of Portugal (E/1990/6/Add.6 and E/1990/6/Add.8) were considered by the Committee on Economic, Social and Cultural Rights at its twelfth session (see E/C.12/1995/SR.7, 8, 10 and 27) and at its fifteenth session (see E/C.12/1996/SR.31-33 and 54), respectively.

** The information submitted by Portugal in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.20).

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* The annexes and charts relating to this report are available for consultation in the secretariat of the Office of the High Commissioner for Human Rights.

Introduction

1. Portugal ratified the International Covenant on Economic, Social and Cultural Rights in 1978 (Act No. 48/78 of 11 July; the applicability of the Covenant was extended to Macao under Parliament resolution No. 41/92 of 31 December), thereby demonstrating the country's firm determination to implement the provisions of that international legal instrument.

2. As stated in previous reports, this commitment is also reflected in the Portuguese Constitution, through its recognition of economic, social and cultural rights and duties, in section III of the part relating to fundamental rights and duties. Under article 8 of the Constitution, the provisions of properly ratified or confirmed international conventions produce effects at the domestic level once they have been officially published, provided that they are binding on the Portuguese State at the international level. This is the case of the Covenant, which, following its approval and ratification, entered into force in the Portuguese legal system on the same footing as national provisions.

3. The third periodic report of Portugal is the result of extensive consultations with the competent ministerial departments involved in the definition and implementation of policies designed to ensure the realization of the economic, social and cultural rights enshrined in the Covenant. These departments had already taken part in the preparation of the previous report and were represented by the delegation that introduced the report to the Committee on Economic, Social and Cultural Rights in May 1995. The present report will be published on the Internet sites of the Bureau of Documentation and Comparative Law of the Office of the Attorney-General 1/ and of the Ministry of Foreign Affairs. 2/

4. The multidisciplinary and multidepartmental commission whose work was coordinated by that Bureau was made up of the ministers for foreign affairs, finance, education, science and technology, solidarity and social security, health, training and employment and justice, as well as the Commission on the Equality and Rights of Women and the State Heritage and Housing Institute. This close cooperation has undoubtedly played a major role in strengthening institutional links among the various bodies, thereby contributing to the multidisciplinary consideration of policies, ensuring greater familiarity with the situation in Portugal in the fields covered by the Covenant and paving the way for continuous follow-up and the more effective evaluation of progress made in implementing the Covenant.

5. This report has been prepared in accordance with the Committee's guidelines. After it is considered by the Committee, it will be published together with the corresponding summary records and the Committee's concluding observations. This is Portugal's usual practice for the reports submitted in accordance with United Nations human rights conventions.

6. During its consideration of the preceding report, the Committee identified subjects of concern in its concluding observations relating to the situation in Portugal and subsequently formulated recommendations and suggestions for future action by the State party. The subjects considered by the Committee were persistent de facto discrimination with regard to equal

treatment at work and equal remuneration, the failure of the minimum wage to keep pace with economic growth and the need to increase access by young people to secondary and higher education. This report deals in detail with each of these questions in the respective chapters. An overview is, however, provided in the introduction.

I. INTRODUCTORY COMMENTS ON THE SUBJECTS OF CONCERN REFERRED TO BY THE COMMITTEE IN ITS CONCLUDING OBSERVATIONS ON THE PRECEDING REPORT OF PORTUGAL

(a) Discrimination in employment and violation of the right to equal pay

7. Although job discrimination still exists between men and women in Portugal, there is also a strong resolve to combat it. First of all, an in-depth study was conducted by the Commission on Equality in Employment (CITE) on the professional situation of women government workers. The study confirms the existence of discrimination against women in terms of level of posts and promotions. The same study, however, also reflects the Government's effort to promote women's participation through training courses in order to reduce inequality. Recognition of existing problems and difficulties is the first step towards improving the situation and eliminating job discrimination. Secondly and even though this trend will take time to be confirmed, a reduction in the wage gap between men and women in general has already been noted. 3/

8. The present Government has also named a High Commissioner for the Promotion of Equality and the Family, one of whose mandates is "to contribute to real equality between men and women (...) by proposing policies (...) intended to eliminate discrimination" (see comments on article 3, below).

(b) Increase in the real value of the minimum wage

9. According to data provided by the Ministry for Training and Employment, the increase in the minimum monthly wage has not always taken inflation into account. In recent years, particularly 1993 and even more so in 1994, the real value of the minimum monthly wage fell. However, a readjustment and reversal of the situation 4/ were reported during the following three years (1995, 1996 and 1997).

(c) Access to secondary and higher education

10. Reference should be made in this regard to the Government's effort to increase the number of scholarships, the increase in State financial assistance to higher private and cooperative education, the Portuguese Catholic University and higher public education, as well as an ongoing effort to ensure more equal access by specific groups of society to higher education. One example is the special 1 per cent quota (in each institution of higher education) for disabled students, the quota of 7 per cent (of the total number of places in higher education) and the waiver of the entrance exam for emigrant students and their families and the elimination of the limit on the number of places set aside in higher education for students from East Timor.

Between the 1995/96 and 1996/97 school years, the number of students in higher education rose and there was a 7 per cent increase in enrolment in higher public education and a 9.7 per cent increase in enrolment in higher private education.

II. OTHER IMPORTANT MEASURES

11. This report summarizes recent steps taken by Portugal to implement the Covenant. Some of these steps are part of a broader context for the promotion and protection of human rights and constitute follow-up and reaffirmation of the overall framework, as reflected in Portugal's core document (HRI/CORE/1/Add.20). Some of these measures are highlighted below.

A. The right of peoples to self-determination

12. Article 7, paragraph 1, of the Portuguese Constitution enshrines the right of peoples to self-determination and independence as a fundamental principle of international relations. According to article 293 of the Constitution, Portugal remains bound by its responsibilities under international law to promote and guarantee the right to self-determination and independence of East Timor.

13. In this connection, one of the elements of the Government's programme concerning East Timor provides that "Portuguese foreign policy, as it relates to East Timor, is aimed at creating the conditions for the free exercise of the right to self-determination and at alleviating the suffering of the people of Timor". After listing various measures to be taken by the Ministry of Foreign Affairs in this regard (such as continuing the policies of awareness-raising as to the problems of Timor, especially within the framework of the United Nations and the European Union, and the diplomatic negotiations with Indonesia under the auspices of the Secretary-General), the programme states that Portugal has no claims to East Timor and that, accordingly, it has no preconceived notion of the future of the territory. It is up to the Timorese people to take their decision on this matter and on its political status in complete freedom and entirely democratically, in conformity with international law.

14. In relation to the question of East Timor and the right of the people of Timor to self-determination, the State of Portugal filed a complaint against Australia before the International Court of Justice, requesting it to declare that the Treaty of 1989 between Australia and Indonesia concerning the "Timor Gap" is contrary to international law, as it infringes the right of the people of Timor to self-determination (within the framework of the right of peoples to their natural resources), as well as the legitimate interests of the people of Timor. The Treaty of the Timor Gap divides the area of the continental shelf between Australia and Indonesia without taking account of the rights of Timor. In this context, Portugal requests the Court to declare that "first, the rights of the people of East Timor to self-determination, to territorial integrity and unity and to permanent sovereignty over its wealth and natural resources and, secondly, the duties, powers and rights of Portugal as the administering Power of the Territory of East Timor are opposable to Australia, which is under an obligation not to disregard them, but to respect them" and also that Australia "has infringed and is infringing the right of

the people of East Timor to self-determination, to territorial integrity and unity and its permanent sovereignty over its natural wealth and resources and is in breach of the obligation not to disregard, but to respect that right, that integrity and that sovereignty". 5/

B. Dissemination and transparency

15. The creation of Internet sites on the various ministries is a general policy of the present Government. On these sites, citizens can find updated information on the ministries' activities, draft legislation and statistics on such topics as unemployment and wage levels.

16. Another wide-ranging project, INFOCID, has also been put on an Internet site. 6/ This project grew out of the work and cooperation of some 40 departments representing almost all the ministries. INFOCID is an integrated global system using multimedia technology (text, image, sound and motion) to allow easy, free access to information through the Internet or "kiosks" set up on streets in several Portuguese cities; 13 such kiosks have already been opened in Lisbon and 38 in the rest of the country.

17. Through INFOCID, citizens can access administration documents considered important by the various ministries. These documents deal with the modernization and quality of public services, the State budget, organizational charts of the administration, links with the Portuguese Constitution and government programmes, among others. Information on INFOCID covers the following areas:

Family: information on marriage, divorce and so forth;

Youth: information on means of access by young people to housing, special programmes for youth, assistance to students (such as school activities, scholarships and student residences), compulsory military service and conscientious objection;

Employment and training: information on the first job held by young people, unemployment and special information for the unemployed;

Laws and courts: advice and information on legal protection and legal support;

Environment: information on protected areas in Portugal, waste, water, air and environmental protection associations;

Consumer protection: advice on the prevention of consumer conflicts, what to do in the case of conflicts and a list of consumer protection associations;

Civic life: practical information on military service, civil service, elections (including election results since 1991);

Social security: specific information on social security schemes;

Housing: specific practical information on obtaining housing loans advice for those wishing to rent or buy a dwelling (financing, real estate agencies, licences, low-income housing, inexpensive housing, applicable legislation), among others;

Labour: information on the conclusion, suspension and termination of employment contracts, working hours, remuneration, holidays, occupational safety, special employment schemes and the specific situations of workers;

Taxes: Information on taxes and tax breaks, with an interactive capability for estimating the income tax of natural persons.

III. ECONOMIC SITUATION OF PORTUGAL

A. Macroeconomic performance

18. Portugal ratified the Treaty of Accession to the European Communities in 1985 and became a member State on 1 January 1986. At that time, the Portuguese economy was coping with major macroeconomic imbalances, with serious distortions in both commodity markets and factors of production and with grave structural weaknesses. A high rate of inflation, a high unemployment rate, a significant public sector deficit, a production sector characterized by a high level of protectionism and the inefficiency of many industries, underdeveloped financial markets and the rigid regulation of the labour market are some of the more obvious aspects of the precarious economic situation of the time.

19. Economic integration represented both an opportunity and a challenge for Portugal. Obviously, it meant a chance to modernize the industrial structure and to liberalize and open up the economy. Integration provided access to a wide range of Community programmes which are grouped under Community support structures and helped to overcome Portugal's infrastructural weaknesses and to improve the nation's human and capital resources. The employment structure changed significantly. Services accounted for more than 56 per cent of all jobs in 1996, while the primary sector has shrunk by 12 per cent since 1985.

20. Since joining the European Union, Portugal has made remarkable economic progress marked by gradual integration into the global economy, the opening of protected sectors, progress in the structural transformation of the economy and increasing development of the financial sector. Thanks to this progress, the Portuguese economy has seen increased modernization and significant expansion. As a result, per capita gross domestic product (GDP), measured in purchasing power parity, grew from about 50 per cent of the Community average in 1985 to some 70 per cent in 1996. In United States dollar terms and measured in purchasing power parity, per capita GDP rose from US$ 5,300 in 1989 to US$ 10,500 in 1995. Also in terms of purchasing power parity, GDP increased from US$ 85.1 billion in 1989 to US$ 123.5 billion in 1995.

TABLE 1

Progress in real convergence
Relative per capita GDP
(European Union parity: 15=100)

1985	52.9
1990	59.3
1995	69.0
1996*	69.4

Source: European Commission.

* Provisional data.

21. GDP grew significantly, by more than 4.5 per cent on average between 1985 and 1990, or some 1.5 percentage points above the Community average.

TABLE 2

Real GDP growth
(Annual percentage change)

Years	Portugal (1)	Community average (2)
1989	5.3	3.5
1990	4.6	2.9
1991	2.3	1.5
1992	1.4	1.0
1993	-0.9	-0.6
1994	1.3	2.8
1995	2.5	2.4
1996	3.0	1.6
1986/90	5.0	3.3
1991/96	1.9	1.4

Sources: (1) Up to 1991, National Statistical Institute; from 1992 to 1996, the estimates are from the Ministry of Finance.

(2) European Commission.

22. Inflation fell from 13.4 per cent in 1990 to 3.1 per cent in 1996 and, by comparison with inflation in the European Union, it dropped by about 7 per cent in 1990 to 0.6 per cent in 1996.

TABLE 3

Inflation

(Percentage change according to the Consumer Price Index)

Consumer Price Index	1990	1991	1992	1993	1994	1995	1996
Portugal	13.4	11.4	8.9	6.5	5.2	4.1	3.1
European Union	5.7	4.9	4.2	3.4	3.0	3.1	2.5
Differential	7.7	6.5	4.7	3.1	2.2	1.0	0.6

Source: National Statistics Institute and EUROSTAT.

B. Exchange rates and interest rates

23. In 1990, the Portuguese authorities adopted a strategy for stabilizing exchange rates that contributed to the drop in inflation. In October 1990, the "crawling peg" system, which had been in use since 1977, was abandoned and the Portuguese escudo began to follow the European Monetary System (EMS). In April 1992, the escudo officially became a part of the EMS (with a 6 per cent margin) and all capital controls then in existence were completely dismantled by the end of that year. In the process of pegging itself to other currencies, the central parity of the escudo was devalued three times. Despite the readjustments, it has demonstrated remarkable stability, particularly since the most recent readjustment in March 1995.

24. The exchange rate policy has been clearly successful in terms of price stability. Furthermore, the volatility of short-term interest rates declined significantly and the level of interest rates, both short-term and medium-term, moved downwards. At present, long-term interest rates are slightly below 6 per cent, or 0.5 per cent more than the equivalent German rates. In conformity with the disinflation process, nominal wage growth dropped from about 14 per cent in 1990 to 4.5 per cent in 1996. The flexibility of real wages is another characteristic of the Portuguese labour market and wages have thus risen quite moderately since 1991.

TABLE 4

Wage negotiations and labour market conditions

Year	Wages involved in collective agreements		Unemployment rate
	Nominal	Real	
1990	13.6	0.0	4.7
1991	14.1	1.9	4.2
1992	11.2	1.5	4.2
1993	7.3	0.5	5.5
1994	5.1	-0.3	6.9
1995	4.7	0.5	7.2
1996	4.5	1.4	7.3

Source: Bank of Portugal.

C. Public finances

25. Direct public debt rose from about 40 per cent of GDP in 1980 to some 67 per cent in 1985; this level is well above the average, although it is not the highest among the member States of the Organization for Economic Cooperation and Development (OECD). In 1990, it stood at 62 per cent and grew to some 68 per cent in 1995. The gross debt of the public administration system (SPA) was 66.3 per cent of GDP in 1995 and is expected to fall to 63 per cent this year. The amount of public debt recovered through privatizations in 1996 was 1.7 per cent of GDP, as compared to 0.75 per cent in 1995. The global deficit of the SPA fell from more than 6 per cent of GDP in 1993 to 3.2 per cent in 1996. For 1997, the budget deficit has been targeted at 2.9 per cent of GDP. From the available data, it appears that this goal may be achieved.

26. The current account almost balanced in 1995 (-0.7 per cent of GDP) and increased in 1996 to 2.5 per cent due to higher rates of payments, unfavourable terms of trade and a drop in unilateral private transfers. Nonetheless, the basic balance remained strong. External debt fell from 26 per cent of GDP in 1990 to 15 per cent in 1996. The nation has been a net creditor since 1990.

D. Labour market

27. The overall performance of the Portuguese labour market has been positive. It reflected the dynamics of the economic cycle, performing well during the economic growth of the second half of the 1980s, but was affected by the cyclical deterioration in the first half of the 1990s and the restructuring process initiated on the domestic market.

28. Between 1985 and 1991, the labour force grew at an annual rate of 1.3 per cent, mainly due to a significant rise in the participation rate, from 46.2 per cent in 1985 to 49.2 per cent in 1991. This trend basically reflects greater participation by women - 57.2 per cent - approaching the highest levels of the Nordic countries.

29. Employment grew by 2.2 per cent annually during the same period, a consequence not only of sound economic performance, but also of the growing flexibility of the labour market, which is characteristic of the Portuguese labour market, and of legislative reform and the reform of labour regulations.

30. Changes in the sectoral composition of employment have been substantial, with an increase in the percentage of services in total employment and a fall in agricultural employment (with the exception of 1996). The percentage of industrial employment remained quite stable during this period, falling slightly in 1996.

TABLE 5

Employment trends by sector

Employment (percentage change)	1985	1987	1989	1991	1992*	1993	1994	1995	1996
Total	-0.5	2.6	2.2	3.0	0.9	-2.0	-0.1	-0.6	0.6
Employees	-0.2	2.2	3.5	1.4	0.8	-2.9	-2.0	-1.0	-0.4
Own-account workers	-2.0	5.0	1.1	6.7	-	0.4	4.1	1.5	4.5
Percentage of total employment									
Primary	23.9	22.2	18.9	17.4	11.4	11.4	11.5	11.3	12.2
Industry	33.9	34.9	35.3	34.0	33.4	32.9	32.8	32.3	31.4
Services	42.2	42.9	45.7	48.7	55.3	55.8	55.7	56.4	56.4

Source: National Statistics Institute, research on the labour force.

* Statistical series was interrupted in 1992. Estimates come from the Bank of Portugal.

31. The unemployment rate continued to drop, from 8.6 per cent in 1985 to 4.1 per cent in 1991. The unemployment rate for youth (aged 15 to 24) declined strongly, by 11 per cent, from 20.1 per cent in 1985 to 9.1 per cent in 1991. The sound performance of the labour market was reflected in a 23 percentage point drop in long-term unemployment as a percentage of total unemployment, although it still remains high (53 per cent in 1985 and 30 per cent in 1991).

32. The economic slowdown of the early 1990s is the result of a relative deterioration in labour market conditions. During the period 1992-1995, the labour force grew at an annual rate of 0.2 per cent, whereas the participation rate remained relatively stable (48.6 per cent in 1995). The level of employment declined by about 1 per cent a year during this period. This deterioration in the labour market was reflected in an increase in the unemployment rate, from 4.1 per cent in 1992 to 7.3 per cent in 1996. Despite a recent increase, the unemployment rate in Portugal remains well below the Community average and is frequently attributed to the flexibility of the Portuguese labour market.

33. Work hours are longer in Portugal than in other industrialized countries. With a total 1,900 work hours per year, the average length of the working day is 8.4 hours, or 20 per cent more, for example, than in Germany. The regular work week was reduced to 40 hours at the same time as greater flexibility and adaptability were introduced. The work schedule was made more flexible by encouraging productivity.

TABLE 6

Unemployment

Year	Unemployment rate	Long-term unemployment as a percentage of total unemployment
1983	7.9	48.9
1984	8.5	47.0
1985	8.6	53.0
1986	8.5	51.0
1987	7.1	50.8
1988	5.8	44.7
1989	5.0	40.9
1990	4.7	34.7
1991	4.1	30.0
1992	4.1	25.9
1993	5.5	29.3
1994	6.8	34.2
1995	7.2	39.3
1996	7.3	42.0

E. Improvements in qualifications and skills

34. Human capital was improved by a three-year increase in the length of schooling in 1986 and by a rapid rise in expenditures on training in the framework of Community support. The education and training system performed better during the first half of the 1990s; at present, more than half of all young people have completed their entire secondary education or an apprenticeship following compulsory schooling.

TABLE 7

Education of the working-age population
(percentage)

Age bracket	Year	Illiterates	Literates without educational qualifications
15-64	1960	33.9	31.5
	1970	24.6	22.6
	1981	14.6	15.3
	1991	6.5	11.6
15-24	1960	14.8	36.6
	1970	3.5	13.8
	1981	2.1	6.3
	1991	0.8	4.4

Source: Population census of the National Statistics Institute.

TABLE 8
Standard of living indicators

	Private per capita consumption based on purchasing power parity (US$)		Number of televisions per 1,000 inhabitants		Number of cars per 1,000 inhabitants		Number of doctors per 1,000 inhabitants		Infant mortality rate per 1,000 newborns	
	1986	1995	Ref. period: 1992		Ref. period: 1993		Ref. period: 1994		Ref. period: 1994	
Belgium	7 172	335(84)	12 960	402	303(84)	453	2.8(84)	3.7	9.4(85)	7.6
Denmark	7 129	293(85)	11 531	312	392(85)	537	2.5(84)	2.8 2/	7.9(85)	5.4 2/
Finland	6 571	316(85)	9 643	367	370(86)	505	2.1(85)	2.7	6.3(85)	4.6
France	7 389	360(83)	11 996	419	297(80)	408	2.1(82)	2.9	6.9(85)	6.1
Germany	7 116	441(86)	11 707	533	377(86)	558	2.5(84)	3.2 1/	9.1(85)	5.8 2/
Greece	4 130	108(83)	9 071	187	158(80)	201	2.8(83)	3.9 2/	14.1(85)	7.9
Ireland	3 994	206(83)	9 467	251	181(80)	304	1.3(82)	2.0	8.9(85)	5.9
Italy	6 963	355(84)	11 952	516 1/	244(84)	421	3.6(82)	1.7 1/	10.9(85)	7.3 2/
Netherlands	7 016	341(85)	11 854	372	317(86)	488	2.2(84)	2.5	9.6(86)	5.6
Luxembourg	7 921	414(85)	16 827	506	336(83)	267	1.7(84)	2.2 2/	9.0(85)	8.5 1/
Norway	8 109	382(86)	11 194	375	346(86)	424	2.2(84)	3.3 2/	8.5(86)	5.1 2/
Portugal	3 857	135(82)	8 150	332	140(80)	303 3/	1.8(82)	2.9	17.8(85)	7.9
Spain	5 113	240(85)	8 812	343	256(82)	402	3.3	4.1 2/	7.0(84)	7.6 2/
Sweden	6 804	377(85)	9 778	404	390(85)	469	2.5	3.0	6.8(85)	4.8
United Kingdom	7 156	312(83)	11 319	375 1/	336(84)	435	2.3(83)	1.5 2/	9.4(85)	6.2

Source: OECD: 1/ 1992; 2/ 1993; 3/ 1994.

* The selected standard of living indicators show there was a great improvement in the Portuguese standard of living, bringing it closer to the European average.

35. OECD data show that the percentage of the population in the 24-to-35 age bracket to have completed secondary education is practically double that of the 45-to-54 bracket. However, there is still a wide gap in schooling between Portugal and other OECD countries. The percentage of the Portuguese population to have completed secondary school or above continues to be about 35 per cent below the European Union average. The Government is currently implementing a basic education policy in order to attain 100 per cent coverage by the late 1990s.

ARTICLE 2

I. CONSTITUTION OF THE PORTUGUESE REPUBLIC

36. Article 13 of the Constitution lays down the principle of equality, whereby all citizens have the same social status and are equal before the law. No one may be given privileges, benefit from or be deprived of a right or be exempted from a duty by reason of descent, sex, race, language, territory of origin, religion, political or ideological beliefs, education, financial position or social circumstances. Portuguese citizens temporarily or habitually resident abroad enjoy the protection of the State in the exercise of their rights and are subject to such duties as are compatible with the fact that they are outside the country.

37. Aliens and stateless persons temporarily or habitually resident in Portugal enjoy rights and are subject to the duties of Portuguese citizens. Political rights in general, the performance of public duties not essentially technical in nature and the rights and duties that are exclusively those of Portuguese citizens are not covered by this system of equality. The law nonetheless allows nationals of member countries of the European Union and Brazilian citizens to vote and to stand for office in local elections and certain rights of a political nature may be granted to citizens of countries where the official language is Portuguese, under a convention between Portugal and those countries.

II. DOMESTIC MACHINERY FOR THE EFFECTIVE IMPLEMENTATION OF THE PRINCIPLE OF NON-DISCRIMINATION

38. A number of measures have been adopted under Portuguese law to combat possible violations of the principle of non-discrimination. In this regard, attention should be drawn to the recent establishment of the Office of the High Commissioner for Immigration and Ethnic Minorities, the Host Commission for the Timorese Community and the Aliens Special Regularization Commission.

A. Office of the High Commissioner for Immigration and Ethnic Minorities

39. The Office of the High Commissioner for Immigration and Ethnic Minorities was established under Decree-Law No. 296-A/95 of 17 November relating to the Organizational Act of the XIIIth Constitutional Government and was made part of the Office of the President of the Council of Ministers. The High Commissioner was appointed under Decree-Law No. 3-A/96 of 26 January.

40. The Office of the High Commissioner was established as a result of new challenges faced by Portugal as a country of immigration, for Portugal had traditionally been a country of emigration. This brought about the need to devise measures to integrate immigrant families into Portuguese society. The ultimate purpose of this policy is to prevent xenophobia, intolerance and discrimination against foreigners living in Portugal.

41. The Office's four main tasks are:

(a) To encourage consultation and dialogue with bodies representing immigrants or ethnic minorities in Portugal, as well as to examine the topic of the integration of immigrants and ethnic minorities, in cooperation with social partners, social solidarity institutions and other public and private bodies operating in this field;

(b) To contribute to improved living conditions for immigrants in Portugal so that they can integrate into society, with respect for their identity and culture of origin. The office should also help to make sure that all citizens lawfully resident in Portugal enjoy the same status and opportunities so as to eliminate discrimination and combat racism and xenophobia;

(c) To follow up the action by various administrative departments regarding aliens entering, staying in or leaving Portugal, in the proper performance of their duties. It should cooperate in shaping and following up active policies to combat marginalization by fostering horizontal interdepartmental action by the authorities and government departments in the sector;

(d) To propose measures, more particularly normative measures, in support of immigrants and ethnic minorities.

B. Working Group on the Equality and Integration of Gypsies

42. The Working Group, established under Council of Ministers resolution 157/96 of 19 October has two basic aims: first, to conduct a detailed examination of the difficulties faced by Gypsies in integrating into Portuguese society and, secondly, to formulate proposals to help eliminate such situations of social marginalization. Three months after its inception, i.e. in January 1997, the Working Group, under the chairmanship of the High Commissioner for Immigration and Ethnic Minorities, submitted a progress report. Broadly speaking, the report recognizes a tendency in Portugal towards marginalization and indifference vis-à-vis Gypsies. The Gypsy community is affected by problems of social, economic, cultural and even political marginalization. The lack of social and occupational skills, the low literacy levels and the drop-out rate among young people make for poverty and destitution among the Gypsies.

43. Other factors, such as social discrimination and indifference (or even, in some cases, intolerance) condemn the group even further. This social situation is due to a number of things, such as the high level of drug trafficking and drug consumption, poor housing conditions and the lack of a livelihood and of prospects for social integration and mobility.

particularly among younger Gypsies. All these factors combined lie at the root of a very difficult situation and the group's extreme social vulnerability.

44. One of the main problems faced by Gypsies is that of integration in the job market and the lack of job alternatives. A study has revealed that there are 6,000 Gypsies in the Lisbon area, with a very young population (44 per cent under 14 years of age), 57 per cent living in slums, 69 per cent living off peddling and 20 per cent with no occupation. As to Gypsy children, only 62 per cent are school-registered. Half of them attend very irregularly and also experience great learning difficulties. About 50 per cent of the children from 10 to 14 years of age do not attend school.

45. The Working Group's study also describes a number of accivities being carried out to ensure the equality and integration of Gypsies. These include:

The Anti-Poverty Campaign, as part of the National Anti-Poverty Programme, with a number of projects intended for the Gypsy population;

Pilot projects concerning the Minimum Guaranteed Wage (MGW). Even though there are as yet no statistics on the recipients' ethnic origin, it can be said that, in projects being carried out in seven different areas of the country, a considerable number of MGW applicants and recipients are Gypsies;

With reference to housing, a number of legislative measures have created conditions for a more effective response to the housing needs of Gypsy citizens. In this way, housing more suited to the cultural characteristics of the future occupants can be designed. For instance, under Decree-Law No. 73/96, it is possible to be more flexible about the types of dwelling built;

Two cases may be cited in connection with job promotion: the cooperation agreement between the Employment and Occupational Training Institute and the Santa Casa de la Misericordia in Lisbon, known as the Agreement on Socio-economic Integration of Young Gypsies. This project involves 200 people over a period of two years and participants can acquire skills in vocational training and social and educational training programmes. Other projects are also being implemented in this regard.

In education, a number of measures have been taken, such as the preparation of a teacher's guide (in which the whole of the school curriculum takes account of Gypsy culture and suggestions are made on teaching children from other cultures) and the translation of a number of works on schooling for Gypsy children and tolerance and human rights. Inter-cultural projects have also been started.

C. Interministerial Host Commission for the Timorese Community

46. The Interministerial Host Commission for the Timorese Community was established (Official Gazette, Second Series, 7 December 1995, resolution 53/95) in implementation and in observance of the principle of

non-discrimination. The Commission's duties are to coordinate and evaluate proposals to develop comprehensive policies for the integration of members of the Timorese community in Portugal.

D. Aliens Special Regularization Commission

47. Act No. 17/96 of 24 May sets out a procedure for the special regularization of clandestine immigrants that is coordinated by the National Special Regularization Commission, which examines applications. Such regularization was necessary so that aliens could fully enjoy their social, economic and cultural rights, particularly in connection with employment, social security benefits and access to housing, because rehousing programmes were intended only for persons whose papers were in order. This special procedure lasted from 11 June to 11 December 1996.

48. The number of aliens who wanted to regularize their situation stood at 35,082, including 9,255 from Angola, 6,782 from Cape Verde, 5,308 from Guinea Bissau, 2,330 from Brazil, 1,549 from Sao Tome and Principe and 416 from Mozambique. A total of 25,730 aliens were from Portuguese-speaking countries; 3,965 were not accepted and 3,772 of them have lodged an appeal.

49. In the National Special Regularization Commission, 111,856 applications have already been examined and a favourable decision has been reached. The Directorate-General of Social Action, Department of Social Security, takes part in the Commission, which demonstrates the concern to solve this social issue in a fitting, humane fashion.

ARTICLE 3

I. CONSTITUTION OF THE PORTUGUESE REPUBLIC

50. As indicated in connection with article 2 of the Covenant, article 13 of the Constitution enunciates the principle of equality. All citizens have the same social status and are equal before the law.

II. DOMESTIC MEASURES AND MACHINERY FOR THE IMPLEMENTATION OF THE PRINCIPLE OF EQUALITY

A. Council of Ministers resolution No. 32/94 of 17 May 1994

51. Council of Ministers resolution No. 32/94 of 17 May 1994 stipulated that every ministry should, either directly or in conjunction with other public or private bodies, take any action or measures, more particularly of a legislative nature, required to promote and achieve equal opportunity and participation by Portuguese women in all aspects of economic, social and political life and employment.

52. Priority is given to action intended:

(a) To foster public awareness, to combat discrimination against women, including the application of measures for balanced participation by men and women in public life, as well as steps to guarantee the incorporation

of the equality dimension in information campaigns by the authorities, in the occupational programmes for young people and in school textbooks;

(b) To promote vocational training measures for women, as well as to encourage initiatives by companies in this field, particularly in the context of the 1994-1999 Community support period;

(c) To develop vocational guidance facilities for long-term unemployed women and women who wish to resume a working life;

(d) To adapt hours of work so as to reconcile the spouses' life in the workplace and life at home;

(e) To develop alternative structures and solutions to support children while the parents are at work;

(f) To strengthen inspection activities in fields that may lead to discrimination between men and women.

B. Office of the High Commissioner for the Promotion of Equality and the Family

53. The Office of the High Commissioner for the Promotion of Equality and the Family was established under Decree-Law No. 296-A/95 of 17 November (art. 7.7). The Office comes under the Council of Ministers.

54. The functions of the High Commissioner, appointed under Decree-Law No. 3-B/96 of 26 January, are:

(a) To contribute to the effective equality of men and women at the social and family level by proposing policies designed to counterbalance and eliminate discrimination;

(b) To promote and enhance the family unit by means of a dynamic family policy, in the light of the particular situation of family members;

(c) To help to make sure that citizens enjoy equal status and equal opportunity and rights by promoting initiatives for the gradual elimination of situations of discrimination;

(d) To keep watch on the situation of children by promoting coordinated measures by the competent public bodies, monitoring the activities of non-governmental organizations and supporting the formulation and implementation of policies in connection with children.

55. The High Commissioner is appointed by the Prime Minister and reports to him. The following bodies come under the umbrella of the Office of the High Commissioner for the Promotion of Equality and the Family: the Commission on the Equality and Rights of Women, the Interministerial Family Commission, the Family and Children's Support Project and the Equal Employment Commission.

C. Commission on the Equality and Rights of Women

56. Equality issues are closely tied in with human rights and are essential in building democracy. The principle of equality means that it is possible not only to condemn cases of discrimination against women, but also to develop activities to create genuine equality of opportunity.

57. The Commission (which replaces the former Commission on the Status of Women, established under Decree-Law No. 485/77 of 17 November), was established in 1991 under Decree-Law No. 166/91 of 9 May and is a body intended to analyse the situation regarding equal rights and opportunities in Portugal, and also to take action in all fields, more particularly in connection with the status of women.

58. The Commission consists of the Chairperson, the Technical Coordination Council, the Advisory Council (with an Interministerial Section and an NGO Section), the Studies and Training Division, the Documents, Information and Publications Division and the Legal Affairs Division.

59. The Interministerial Section of the Advisory Council is made up of representatives of government departments of importance to the Commission's objectives. The NGO Section consists of women's organizations which have aims consistent with the Commission's and which are represented in a number of areas of the country, together with organizations whose fields of activity or programmes relate to the living conditions and status of women or the promotion of equality.

60. The objectives of the Commission on the Equality and Rights of Women are:

(a) To help to make sure that women and men enjoy the same opportunities, the same rights and the same status;

(b) To secure effective joint responsibility for women and men at all levels of family, occupational, social, cultural, economic and political life;

(c) To help make sure that society recognizes the social function of parenthood and assumes the consequent responsibilities.

61. For the purpose of achieving these goals, the Commission operates basically in the following fields:

(a) Multidisciplinary research on the situation of women and on measures to secure equal rights and opportunities;

(b) Public information and awareness campaigns in connection with the rights of women and the values of equality;

(c) Documentation and bibliographical support for measures promoted by the Commission;

(d) Legal advice.

62. The Commission's task is:

(a) To participate in global and sectoral policy formulation, more particularly in connection with the situation of women and equal rights as between men and women;

(b) To contribute to any legislative changes deemed necessary in the various fields by proposing measures, issuing opinions on draft laws and encouraging the creation of mechanisms necessary for the effective observance of the law;

(c) To promote measures for broader participation by women in development and in political and social life;

(d) To promote measures to make women and society at large aware of discrimination against women. Such measures are designed to enable women to participate directly in improving their status and in making society responsible for attaining the same objective;

(e) To conduct and streamline interdisciplinary research into issues pertaining to equality and the situation of women. This aim should be achieved more particularly by making the competent bodies aware of the need for statistics on the situation of women in matters within their purview and of the need to publicize research;

(f) To inform the public through the media;

(g) To take a stance on issues affecting equality of rights and opportunities, the situation of women and compatibility between family and occupational responsibilities;

(h) To facilitate access to the law by means of a legal information service intended for women;

(i) To cooperate with international organizations and foreign bodies with objectives similar to those of the Commission.

D. Comprehensive Equal Opportunity Plan

63. The Comprehensive Equal Opportunity Plan, approved under Council of Ministers resolution 49/97 of 24 March, sets out certain basic objectives for equality between men and women. The preambular part of the resolution states that an equal opportunity policy is not merely a democratic necessity, but also a prerequisite for development.

64. The Comprehensive Plan proposes measures of two kinds, first, global measures and, secondly, sectoral measures. The first kind includes the objective of incorporating the principle of equal opportunity for men and women in all economic, social and cultural policies by compiling information on national and Community norms concerning measures to establish equality among women and men. Yet another measure concerns the need for gender identification in all statistical compilations.

65. In the context of sectoral measures, there are five objectives:

(a) Promotion of equal opportunity in employment;

(b) Compatibility between private life and life in the workplace: (i) promoting the idea of joint responsibility for compatibility between private life, social life and life at work; (ii) encouraging firms to foster measures to make life at work compatible with family life, more particularly by means of flexible working hours; (iii) fostering the establishment of institutions, for, among others, children, the aged and the handicapped;

(c) Social advancement of the family unit and motherhood: (i) shaping a legal framework for domestic tasks; (ii) recognizing the value of such work, particularly in connection with taxation and social welfare; (iii) promoting special social protection measures for men and women living alone or with dependent handicapped children; (iv) protecting teenage mothers by means of health assistance and education;

(d) In connection with health, a study should be undertaken of measures to prevent teenage pregnancy, by means of sex education and family planning;

(e) With reference to education, science and culture, other measures must include: (i) improving literacy among the female population in particular; (ii) promoting the preparation of school text books and cultural publications to spread a non-stereotyped image of women; (iii) helping to make sure that proper attention is paid in school curricula to the complementary roles of men and women in society; (iv) incorporating sex education modules in school curricula.

E. Commission on Equality in Employment (CITE)

66. As indicated in previous reports, the CITE was established under Decree-Law No. 392/79 of 20 September. Its functions are:

(a) To recommend to the competent Minister the adoption of legislative, regulatory and administrative measures to promote the application of rules on equality between men and women in access to employment and in employment;

(b) To promote studies and research designed to eliminate any discrimination against women in employment;

(c) To encourage and streamline activities to publicize the goals of equality in employment;

(d) To approve opinions submitted to it by the secretariat in connection with equality in employment;

(e) To publicize, by all available means, cases of infringements of the provisions on equality in access to employment and in the workplace.

The CITE's activities will be described in greater detail in the discussion of article 7 of the Covenant.

F. National Family Council

67. The National Family Council (an amalgamation of the earlier Interministerial Commission for the Family and the Advisory Council on Family Affairs) was established under Decree-Law No. 163/96 of 5 September and is a body which serves to mobilize and coordinate the various State departments and NGOs to evaluate the measures in force and propose any changes. The Council's functions are, inter alia, to take part in shaping and carrying out overall family policy, promoting the creation of family support facilities, remedying cases of discrimination against single-parent families, promoting cooperation by families in the education of their children (with a special focus on families with handicapped children) and promoting a tax policy to assist low-income families.

G. National Children's Rights Commission

68. The National Children's Rights Commission was established under the Order of 13 December 1996 and its main functions are: (i) systematic monitoring of legislative, administrative or other measures in fields covered by the Convention on the Rights of the Child; (ii) gathering information and statistics on the practical implementation of those measures; (iii) combining studies conducted in the fields in question; (iv) playing an important role in information on the rights of the child, particularly the most vulnerable children, particularly among professionals taking care of children; and (v) preparing Portugal's second periodic report on the implementation of the Convention on the Rights of the Child. The Commission consists of representatives of various ministries and members of Portuguese non-governmental organizations.

H. Family and Children's Support Project

69. The Project was initiated under Council of Ministers resolution 30/92 (published in the Official Gazette, First Series, 18 August 1992). The Project's point of departure is acknowledgement of the fact that an ill-treated child separated from his family tends to blame his parents. The separation of the child from his family may lead to risks of violence towards other children who have not been so separated or have been born after them.

70. The Project's priority aims are:

(a) To detect situations involving child abuse;

(b) To make an accurate diagnosis of family dysfunctions responsible for child abuse and report them to the competent authorities;

(c) To take the requisite measures with the family in order to put an end to any situation involving risk to the child.

71. The means used in the Project consist of psychosocial support for the ill-treated child's family, which needs to be organized and to develop so that it can gradually fulfil parental duties with a feeling of responsibility and increasing affectivity. The family and the child should also be provided with therapeutic support, medical, psychological and pedagogical assistance

for the child and coordinated action by all departments which are or should be involved in solving each case at the local and national levels.

72. The Family and Children's Support Project is intended for children who are victims of physical and/or mental violence and receive medical care at health centres or hospitals, whether as in-patients or as out-patients.

ARTICLE 4

73. The suspension of civil and political rights is permitted only in the event of urgent public necessity affecting the existence of the nation. However, article 19, paragraph 6, of the Portuguese Constitution provides that declarations of states of siege or emergency must never infringe certain rights, namely, "the rights to life, physical integrity, personal identity, civil capacity, citizenship and the non-retroactivity of criminal law, the right of accused persons to defence and the rights to freedom of conscience and religion".

74. In situations of emergency or need, it is incumbent on the State to inform the United Nations and the other States parties to the Covenant of the rights from which it is derogating and of the reasons for the derogation. The relevant Portuguese legislation is consistent with the Covenant.

A. Rules applicable in states of siege and emergency

75. For detailed information on the rules applicable in states of siege or emergency (Act No. 44/86 of 30 September), see document CCPR/C/42/Add.1, paragraphs 230 et seq.

B. Internal security

76. In time of peace, the legislation that governs internal security is, except in the event of a state of emergency: Act No. 20/87 of 12 June, Act No. 8/91 of 1 April and Council of Ministers resolution No. 47/88 of 25 October.

77. Act No. 20/87, article 1, provides that by internal security is meant action by the State to guarantee public order, security and calm, protect persons and property, prevent crime and ensure the proper functioning of democratic institutions, the normal exercise of citizens' rights and fundamental freedoms and respect for democratic legality. The measures provided for by the Act are aimed at protecting persons and property and safeguarding public peace and democratic order against violent or organized crime, especially sabotage, espionage or terrorism.

78. Internal security is governed by the general police regulations, the principle of respect for rights, freedoms and guarantees and the principles of a democratic constitutional State. The bodies responsible for activities relating to internal security are the police forces and the Intelligence Service. 7/ Pursuant to Act No. 8/91 of 1 April 1991, the Parliament monitors internal-security activities through its examination of the Government's annual report on the country's internal-security status and the activity of the security forces and services during the previous year.

79. The question of the control of terrorist groups is one that frequently arises with respect to internal security. In its judgement of 22 June 1988, the Supreme Court defined the offence of terrorist association as a wilful, potentially dangerous crime characterized by the production or emergence of danger with the possibility of damage or destruction of a legal good. The commission of the offence is ongoing and begins with the active formation of the group, independently of the commission of specific crimes by its members for the organization's purposes. The offence ceases with the cessation of the organization's activity.

80. The fact that the specific crimes committed are distinct from the offence of terrorist association is a particularly important point in this judgement concerning the "FP-25" organization. Another important point in the decision is that there can be no dissolution of a political party in criminal proceedings in an ordinary court, the court being totally incompetent ratione materiae. 8/

C. Framework Law on the Intelligence Services of the Portuguese Republic

81. Acts Nos. 30/84 of 5 September 1984 and 4/95 of 4 February charge the intelligence services with collecting, in accordance with the Constitution and the law, information necessary for the preservation of national independence and the safeguarding of internal security. The limits upon that activity are the rights, freedoms and guarantees set forth in the Constitution and the law, in particular the provisions concerning the protection of individuals with regard to the third-party processing of personal data.

82. The activities of the Intelligence Service must not infringe on areas within the jurisdiction of the courts or the police. The Intelligence Service may neither detain persons nor institute criminal proceedings.

83. Access to data or information in the possession of the intelligence services or police officers is subject to government approval. Such information may not be used for any other purposes than to protect democratic legality or prevent and punish crime. Abuse of such information is punishable by imprisonment for up to three years. The use of information technology is permissible. Data centres may be set up, but agents of the State may have access to them only in the performance of their duties and with prior authorization.

84. Article 26 provides for data centres to be supervised by three officials appointed from among the staff of the Public Prosecution Service by the Attorney-General of the Republic. These officials pay particular attention to compliance with the rules on privacy.

85. The obligation of confidentiality is set forth in article 28. Enrolment in the intelligence services of members of the PIDE/DGS 9/ or the former Portuguese Legion or their informers is prohibited.

86. The fundamental principles to be observed in the activities of the State Intelligence and Security Service (SIS) were set forth in Decree-Law No. 223/85 of 4 July. That text was, however, repealed by Act No. 4/95 of

21 February, the instrument which amended Act No. 30/84 of 5 September (the framework law on the intelligence services). Among the provisions in Act No. 4/95 is article 32 concerning State secrets, a matter previously governed by Act No. 6/94 of 7 April.

87. The organizational structure of the State Intelligence and Security Service (SIS) was established by Decree-Laws Nos. 225/85 of 4 July and 245/95 of 14 September. The SIS is the sole body responsible for collecting information to safeguard internal security and prevent sabotage, terrorism, spying and the commission of acts capable of disturbing or destroying the constitutional order.

88. The rules applicable to the staff of SIS were amended by Decree-Law No. 369/91 of 7 October, article 34 of which concerns the right of access of officials and agents of SIS to public places. It confers on duly identified officials and agents of SIS the right of free access to, and movement in, premises or places for the embarkation or arrival of persons or goods; Customs posts; hotels and the like; indoor and outdoor meeting places and places of entertainment or amusement; casinos and gaming halls; campgrounds and all other public places.

D. State secrets

89. With regard to internal security activities and the intelligence system mention must also be made of the law on State secrets. Article 2 of Act No. 694 of 7 April provides that information knowledge of which by unauthorized persons may jeopardize or adversely affect national independence or the unity, integrity or internal or external security of the State is a State secret.

90. Documents may be classified as State secrets only as an exceptional measure; classification must be accessory to other action, necessary, commensurate with the gravity of the case, timely, egalitarian, fair and impartial and must be substantiated. The right of classification is restricted to the President of the Republic, the President of Parliament, the Prime Minister, ministers and the Governor of Macao. In the event of emergency (and as a provisional measure), documents may also be classified by the Chief of General Staff of the Armed Forces or the directors of the Republic's intelligence services.

E. Civil defence

91. Considerations of civil defence may, like those of internal security, constitute a reason for the suspension of civil and political rights. The framework law on civil defence, Act No. 113/91 of 29 August, defines civil defence as action by the State and citizens to prevent collective risks inherent in serious accidents or disasters, whether natural or man-made, or to attenuate their effects and assist persons in danger when such events occur.

92. Article 4 authorizes the taking of exceptional measures. Restrictions may be placed on the movement or presence of persons or vehicles of any kind in given places during given hours; movable or immovable property of any kind and services may be temporarily requisitioned; facilities and premises other

than those intended for human habitation may be occupied; the use of public transport, telecommunications and water and energy distribution services and the consumption of essential consumer goods may be limited or rationed; individuals may be mobilized for specified periods by geographical areas or sectors of activity and placed under the orders of the competent authorities; special funding may be made available to support the entities directly involved in rescue and relief operations.

93. In selecting and applying any of the above exceptional measures, the criteria of need, proportionality and suitability for the intended objectives must always be met.

94. When the restriction of people's movement or presence in a given area or the temporary requisition of movable or immovable property or services infringes any citizen's or private entity's rights or interests, compensation becomes due. The extent of the compensation will depend on the damage actually suffered.

95. The adoption of framework legislation is the responsibility of the Parliament. The Government is competent to: fix civil defence policy; declare states of disaster, either on its own initiative or on the proposal of the Ministry of Foreign Affairs or of the regional governments of the Azores or Madeira; adopt measures; and discuss the provision of special funding for the measures to be taken.

96. In time of war, civil defence is subject to the rules applicable to states of siege and emergency (art. 23). The performance by the armed forces of civil defence functions is governed by Decree No. 18/93 of 28 June, article 3 of which provides for the following forms of assistance from the armed forces:

Provision of non-specialist personnel;

Provision of specialist personnel, especially medical personnel;

Performance of search and rescue operations concerning people or property;

Provision of vehicles;

Repair of damaged infrastructure;

Distribution of food and water and provision of emergency shelter;

Medical assistance and hospitalization and evacuation of injured persons;

Terrestrial, aerial and marine reconnaissance;

Telecommunications support;

Clean-up operations in stricken areas;

Collaboration in national, regional, district and municipal emergency plans;

Simulation exercises.

The above activities will be carried out under military command, but coordinated by civilians.

ARTICLE 5

97. The main problem relating to unconstitutional activities carried out by an organization involves racism and intolerance. In the case of Portugal, it is important to examine the relevant case law. The following overview covers the concept of race, unintentionally racist elements remaining in Portuguese legislation, the treatment of aliens, asylum problems and, lastly and more specifically, the conduct of extremist political groups in Portugal.

A. The concept of race

98. Curiously, the Portuguese courts have resorted to the concept of race to determine whether a specific piece of legislation is discriminatory or whether a particular instrument is statutory or merely administrative.

99. The word "race" is used in three cases relating to Gypsies in Portugal. These are: Constitutional Commission decision No. 14/80 which found a National Republican Guard rural service regulation unconstitutional on the grounds that it was contrary to the principle of equality and non-discrimination; Constitutional Court judgement No. 452/89 declaring searches conducted in Gypsy camps and caravans without a judicial warrant to be unconstitutional; and the decision of the Porto Administrative Court of first instance declaring null and void the administrative order by the municipality of Vila do Conde that no person could camp on municipally owned land for a period exceeding 48 hours. 10/

100. The concept of race was defined in Constitutional Court judgement No. 452/89 following the decision of the Constitutional Commission. In this connection, the problem was one of determining whether the provisions of the National Republican Guard service regulation in question applied exclusively to Gypsies. The word used in the legislative text was "nomad"; the question was to determine whether only Gypsies were nomads. The criterion used to interpret the term was that of race: "The Gypsies are made up of many groups of nomadic populations who have come from India and who even today have anthropological and ethno-social characteristics distinguishing them from other persons in the human centres in which they live and thus an ethnic purity which has remained unchanged. Although the definition of race is difficult and complex, they do, from the constitutional point of view, form a race". In that specific context, as a few groups of resident Gypsies were not nomads, the regulation applied not to the Gypsy race, but to nomads as a category. Consequently, that specific aspect of the regulation was not unconstitutional.

B. Racist elements in legislation and daily life in Portugal

101. This section deals with matters relating to racist legislation or acts. Case law relating to racist organizations will be considered later. Constitutional Commission decision No. 14/80 stated that the National Republican Guard rural service regulation was unconstitutional because it did not comply with the principle of non-discrimination. The regulation allowed the Guard to conduct police work in a discriminatory way based on membership of the Gypsy race.

102. Like the Constitutional Commission decision, Constitutional Court judgement No. 452/89 ruled that article 81, paragraph 2, of the National Republican Guard service regulation was unconstitutional. Article 81 stated that, where nomads (a term which, as seen earlier, was not considered unconstitutional by the Constitutional Court) were concerned, the Guard must exercise particularly close surveillance of caravans and groups of nomads habitually travelling by road and living off trade or other activities associated with an itinerant life. The Guard watches over their movements with a view to preventing the commission of offences against property or persons in the rural areas or public places where the caravans normally stop.

103. Article 81, paragraph 2, stated that, in suspicious cases, caravans could be searched while travelling or in roadside rest areas, the identities of group leaders were always to be ascertained. When the destination of a travelling group was known to an official of the Guard, he was to inform the commander of the Guard post responsible for the destination point. The Constitutional Court decided that searches conducted at night without a warrant were unconstitutional. Consequently, article 81, paragraph 2, was unconstitutional.

104. The decision of the Porto Administrative Court of first instance related to an order issued by the municipal authorities of Vila do Conde stating that the arrival of any person of Gypsy origin without an official residence within the boundaries of the municipality must be reported, following which such persons must leave the territory of the municipality within one week. That decision gave rise to considerable indignation in the press and sharp expressions of disapproval from the Attorney-General and the Mediator.

105. Following these reactions, the municipal authorities adopted a new order repealing the first one and emphasizing that the intention was to report any person, whether or not a member of the Gypsy ethnic group, who had built a dwelling clandestinely. Any person having done so was required to destroy the dwelling and was prohibited from rebuilding it. The Public Prosecutor's Department claimed that the order was still unlawful, since it was in fact aimed at the Gypsies and was thus in breach of the principle of equality.

106. The Court focused its attention not on the problem of the Gypsies, but on that of the invalidity of the administrative order. However, it decided that the fundamental problem was that of the persons against which the order was directed, the specific need to destroy the dwellings and the impossibility of rebuilding them in any part of the municipal territory.

107. The key element in the decision was the fact that, although the order was general and abstract in nature, it was not sufficiently so to be deemed normative because the persons affected by it could not be identified. It was thus null and void. The grounds given were that "an administrative order which does not relate to an individual situation and does not individually identify the person or persons concerned by it is null and void because the essential element of identification is lacking. The reference to persons constructing dwellings does not correspond to the individualization required by article 124, paragraph 2, of the Code of Administrative Procedure." Consequently, the Gypsies were not evicted.

108. The last ruling, a Supreme Court decision dated 21 September 1994, is also important. The Lamego district court sentenced a woman belonging to the Gypsy ethnic group for drug trafficking. The grounds for its decision stated that the penalty should be increased - and it was increased - on account of the woman's membership of the Gypsy ethnic group, since, "Gypsies have a natural tendency to engage in drug trafficking, which forms part of their customs and traditions". The Supreme Court decision dated 21 September 1994 stated that what constituted a well-known fact was a matter of law and that the matter could consequently be considered by that Court.

109. The Court then ruled that it was not a matter of public knowledge, nor was it apparent, that the Gypsy ethnic group was more inclined to engage in drug trafficking than any other ethnic group. It was consequently decided that the lower court's decision was unlawful because it had based part of the penalty on membership of the Gypsy ethnic group. The decision was therefore overturned in respect of the penalty imposed on the grounds of membership of the Gypsy ethnic group.

C. Response of the judicial system to the treatment of aliens in legislation and the adaptation of the latter

110. The question of asylum has to be included in the topic of racism and intolerance. Whatever the policy adopted (or possibly necessary) on the question of aliens, the legal system may, in the light of its own criteria, appear fair or unfair. A case in point has arisen with regard to the legislation on legal aid for asylum seekers.

111. In July 1993 and August 1994, the Aliens and Frontiers Department refused to grant asylum to two foreign citizens. They wanted to appeal the decision, but, since they had no resources, they requested legal aid. They came up against the obstacle of the legislation on legal aid (at that time, Decree-Laws Nos. 387-B/87 of 29 December and 391/88 of 26 October). Article 7 of the former text stated that "aliens and stateless persons habitually resident in Portugal are entitled to legal protection". Article 1 of the latter text stated that:

> "1. For purposes of granting legal aid, habitual residence, as referred to in article 7, paragraph 2, of Decree-Law No. 387-B/87 of 29 December, of aliens and stateless persons holding valid residence permits shall be taken as meaning that the persons concerned have been regularly and continuously present in Portugal for a period of not less

than one year, except where a regime deriving from a treaty or an international convention with which Portugal must comply is applicable.

2. An alien who is granted asylum or enjoys refugee status may receive legal protection as from the date on which asylum is granted or refugee status is recognized."

It was inferred from these articles that asylum seekers could not receive legal aid even though they met the requisite conditions.

112. The courts refrained from applying these provisions on grounds of unconstitutionality as being in breach of articles 13, paragraph 2, 15, paragraph 1, and 20, paragraphs 1 and 2, of the Constitution. The questions were referred to the Constitutional Court as a matter of compulsory appeal; the Court considered the articles in question unconstitutional and upheld the decisions forming the subject of the appeal.

113. These decisions, which were published in the first series of the Official Gazette dated 1 August 1995, are of considerable importance. It must be borne in mind that, for a decision of unconstitutionality to have general binding force, three judgements of similar import on concrete cases are necessary in cases of direct review (article 281 of the Constitution). The third judgement was judgement No. 316/95, published on 31 October 1995. It contains the third ruling on the unconstitutionality of the legislative provisions denying legal aid to aliens not habitually resident in Portugal. The problem was recently settled by Act No. 46/96 of 3 September, which grants legal aid to aliens applying for it before a decision has been taken on the granting of asylum or recognition of statelessness.

D. Case law concerning the National Action Movement and the attitude of extremist groups

114. Hitherto the discussion has been confined to movements, acts or legislation regarded by the system as being unlawful according to its own criteria. We now turn to breaches of the system, i.e. acts of racism and xenophobia ab initio outside the framework of the system.

115. On the basis of Constitutional Court judgement No. 17/94, the Attorney-General requested the Court, in accordance with the law prohibiting fascist organizations, to dissolve the "National Action Movement" on the grounds that that Movement advocated fascist ideology. He alleged that a cultural association called "National Action" had been established in 1985 and had published a number of periodicals, including the newspapers Action, Offensive, Manifesto, Programme points, Statutes and Conquer. Its aim was to establish a "nationalist State".

116. The association's most striking features were the cult of the national community and the primacy of its interests over those of individuals, the cult of racial and physical purity, order, discipline and hierarchy; it drew its inspiration from Germany under Hitler, Italy under Mussolini and Portugal under Salazar. Its symbols were the raised-arm salute, the Celtic cross and the swastika; it was racist and anti-Semitic. The terms of the application by the Attorney-General are referred to in the past tense because the

Constitutional Court considered that the association had already ceased to exist; that was in fact one of the reasons for the rejection of the Attorney-General's application. However, the events of 10 June 1995 removed any doubt about whether the association had actually ceased to exist. On that day (the Portuguese national day), a number of skinheads invaded one of Lisbon's night-life districts with the intention of massacring any Africans they found there. One African was killed. The skinheads were arrested, tried and sentenced to prison terms ranging from 3 years and 9 months to 18 years.

ARTICLE 6

I. CONSTITUTION OF THE PORTUGUESE REPUBLIC

117. Under article 58 of the Constitution, everyone has the right to work. The duty to work is inseparable from the right to work except for persons whose capacities have been diminished by age, sickness or invalidity. It is the duty of the State, through the implementation of plans for economic and social policy, to safeguard the right to work by ensuring the implementation of full employment policies; equality of opportunity in the choice of occupation or type of work; conditions guaranteeing that access to any post, work or professional category is not debarred or restricted on grounds of sex; and cultural, technical and vocational training for workers.

118. Under article 59 of the Constitution, all workers, without any distinction whatsoever, have the right:

(a) To receive payment for work in accordance with its quantity, nature and quality and in accordance with the principle of "equal pay for equal work", so as to secure for them a decent livelihood;

(b) To the organization of work in socially decent conditions facilitating the personal development of the individual;

(c) To perform their work in hygienic and safe conditions;

(d) To rest and leisure time, to limits on daily working hours, to weekly rest and to periodic paid leave;

(e) To material assistance when unemployed.

119. The State is responsible for ensuring the implementation of the working conditions, remuneration and rest periods to which workers are entitled by the following means:

(a) The regulation and updating of the national minimum wage, taking into account the needs of workers, increases in the cost of living, the level of development of productive forces and the requirements of economic and financial stability and saving for development;

(b) The setting of nationwide limitations on hours of work;

(c) The provision of special protection for women's work during pregnancy and following childbirth and the protection of the work of young and handicapped persons and persons engaged in particularly arduous work or working under unhealthy, toxic or dangerous conditions;

(d) The systematic development, in cooperation with social organizations, of a network of recreation and holiday centres;

(e) The provision of protection of the conditions of work of migrant workers and of guarantees of social benefits for them.

II. NATIONAL MEASURES TO GIVE EFFECT TO THE RIGHT TO WORK

A. The Government's programme 11/ 12/

120. The present Government is treating employment as a strategic objective involving the coordination of macroeconomic, sectoral, regional development and educational policies, as well as specific employment policies. Within this framework of concerted action, the objectives of the specific employment policies are as follows:

(a) The improvement of human resource skills and development potential on a basis of the improved functioning of the labour market, in conjunction with vocational training and education policies;

(b) The improvement of working conditions, remuneration, social protection and occupational advancement;

(c) Continuing efforts to combat unemployment, particularly long-term unemployment, by improving the process of induction of young persons into working life and the intra-sectoral and the extra-sectoral retraining of adult workers;

(d) The promotion of equality of opportunity in employment and vocational training;

(e) The social and economic integration of the most disadvantaged groups.

B. Protection against arbitrary dismissal

121. The provisions relating to protection against arbitrary dismissal are contained in Decree-Law No. 64-A/89, dated 27 February 1989. The dismissal of an individual without just cause and/or for political or ideological reasons is prohibited. Just cause is an indeterminate concept implying wrongful behaviour on the part of the worker which makes the continuation of the labour relationship immediately and practically non-viable. The law specifies certain types of behaviour covered by the concept of just cause.

122. Any dismissal must be preceded by a written disciplinary procedure, which is simplified in the case of small enterprises. The wrongful behaviour report leading to the procedure must contain a description, duly supported by evidence, of the allegations against the worker and a specific statement of

the employer's intention to dismiss him. The worker has the right to reply, as well as to introduce any matters which he regards as important and/or to request that all the requirements of adequate proof should be met. The workers' committee is also heard. If the final decision is in favour of dismissal, the court may, at the worker's request, order the suspension of enforcement until a decision has been taken on the appeal against dismissal.

C. Grounds for the termination of an employment contract

123. The provisions on protection against arbitrary dismissal are contained in the regulations annexed to Decree-Law No. 64-A/89 of 27 February. Further details on the content of those regulations are to be found in paragraphs 198 and 199 of document E/1990/6/Add.6.

124. Decree-Law No. 400/91 of 16 October introduces amendments to Decree-Law No. 64-A/89. It introduces a new ground for the termination of an employment contract, namely, the unsuitability of the worker for the job. Termination can take place only after verification of situations strictly defined by law and demonstrating that, as a result of changes made in the job, the worker is so unsuited for it that the continuation of the employment relationship has become practically impossible. Several conditions have to be met before a contract may be terminated on these grounds, namely, that adequate skills training has been provided and that subsequently the worker has been given sufficient time to adjust. The worker must be granted compensation (the equivalent of one month's basic pay for each year of service, with a minimum of three months' pay).

125. The termination of an employment contract may also result from the abolition of jobs on account of genuine structural, technological or trade-cycle-related considerations prevailing within the enterprise, regardless of whether the dismissal is collective. (On the subject of collective dismissal, see E/1990/6/Add.6, paras. 203 and 204.)

126. Where jobs are abolished in situations other than that of collective dismissal, justification giving the reasons invoked is required. This must be followed by a communication to the workers' representatives. In either case, a court review of the employer's decision may be requested.

127. The dismissal regulations described above do not, however, apply to the service contracts of members of ships' crews or domestic servants, who are covered by separate regulations. In the case of domestic service contracts, the dismissal procedure is much simplified and forms of wrongful behaviour liable to occur in that activity on account of its specific nature are defined (Decree-Law No. 235/92 of 24 October). With regard to contracts of employment on board ship, reference is made to paragraph 206 of document E/1990/6/Add.6. Act No. 15/97 of 31 May (due to come into force six months after publication) lays down the regulations governing individual contracts of employment on board fishing vessels.

128. Under Decree-Law No. 64-A/89 of 27 February, referred to earlier, approved a new legal framework for the termination of individual contracts which provides for special protection in cases of dismissal of workers'

representatives; in particular, it stipulates that the proceedings in respect of such persons may never be conducted under the most simplified procedure and gives emergency status to appeals to which they are parties.

129. The situation of employees in public administration is described in E/1990/6/Add.6, paragraphs 209 and 210.

III. EMPLOYMENT, UNEMPLOYMENT AND UNDEREMPLOYMENT IN PORTUGAL: LEVELS AND TRENDS

A. Employed population: employment trends

130. The period 1986-1991 may be considered as a period of economic expansion during which employment rose at an annual rate of 2.7 per cent, while the number of unemployed persons fell by about 183,000, reaching a low of 198,600 persons in 1991. The rate of unemployment was then 4.1 per cent. From 1991 onwards, however, this trend began to show signs of going into reverse; in certain branches of economic activity employment fell sharply.

131. Between 1992 and 1995, and as a result of the contraction of economic activity at the international and national levels, the trend within the employed population was a negative one. The employed population dropped sharply in 1993 (-2.0 per cent), while, in 1995, the number of job losses was greater than during the previous year (-0.6 per cent in 1995 as against -0.1 per cent in 1994), a sign that the recession was continuing. However, in 1996, employment increased overall by 0.6 per cent.

132. During this period, trends in the male employment rate were consistently negative, while for women the rate rose between 1993 and 1994. Female employment fell in 1995, however, although a rise was observed in the service sector. In 1996, both female and male employment were up on the preceding year. As for unemployment in 1992-1996, the trend was upwards both for men and for women.

133. In sectoral terms, the drop in employment affected all three major areas of economic activity, although there was a rise in the number of persons employed in the service sector in 1995 (0.7 per cent) and in agriculture and fisheries in 1994 (1.6 per cent). Women's participation played a major part in the growth of employment in those sectors. In manufacturing as well in 1994, the growth in the volume of women employed helped offset the negative trends in the employment rate. In 1996, employment contracted only in the manufacturing sector.

134. The number of wage earners fell faster than overall employment, which meant that its share in employment shrank from 74 per cent to 71 per cent between 1992 and 1996. Conversely, the percentage of independent workers rose from 24 per cent to 26 per cent during the same period. The relative share of part-time employment also increased, despite a dip (-2.5 per cent) observed in 1995.

135. Thus, the expansion of part-time work, the increase in the number of independent workers, the significant decrease in fixed-term contracts and the use of early retirement for financial or health reasons, have become established adjustment mechanisms whereby the labour market adapts to a more difficult economic situation.

136. In qualitative terms, the economically active population is characterized by a low level of education (in 1995, 67 per cent of the total active population had between four and nine years' schooling, while 9 per cent had a Master's degree) and a high proportion of low-skilled labour (in 1993, 28 per cent of all wage earners consisted of low-skilled or unskilled workers).

137. For the purposes of analysis of the situation and trends among groups with less secure working conditions, the following groups have been examined:

(a) Workers on fixed-term contracts

138. According to the employment survey carried out by the National Statistical Institute, 12 per cent of all wage earners in 1992 had a fixed-term contract and the proportion for women was 13 per cent. In 1993 and 1994, the proportion of fixed-term contracts fell, accounting for only 10 per cent of the total in 1994; in 1995, the proportion was 11 per cent and in 1996, 12.5 per cent.

139. The production sectors where this type of contract was most commonly found were electrical equipment (16 per cent), the food industry (13 per cent) and the automobile sector (11 per cent), a distribution that applied throughout the period under consideration.

140. In 1992, the proportion of fixed-term contracts in the service sector ranged from 4 per cent in brokerage and insurance services to 18 per cent in activities relating to computing, research and development, and hotels and restaurants. In the construction sector, 15 per cent of contracts were fixed-term.

(b) Temporary workers

141. Decree-Law No. 358/89, enacted on 17 October, regulates temporary work agencies. However, according to information provided by the Statistics Department of the Training and Labour Ministry, this is a matter of minimal concern, since it related to only 0.2 per cent of the workforce in both 1992 and 1995.

(c) Youth employment

142. During 1992-1995, the rate of activity among young people (aged 15-24) fell sharply, going down from 50 per cent in 1992 to 42.7 per cent in 1996. The overall employment rate fell by 20 per cent between 1992 and 1996.

143. Non-employment went up from 55 per cent in 1992 to 62 per cent in 1996 as a result of an extension of the period spent in school and the difficulty of finding a job, a trend that has led to a rise in the number of young

first-time job-seekers. As a result of this trend, 0.5 per cent occupied senior management positions in 1993 and 43 per cent were unqualified practising professionals.

(d) Older workers

144. Taking the older worker to be any worker aged 60 or over, the employed population in this age group expanded by around 6 per cent between 1992 and 1995, bringing it up to 9 per cent of the total employed population, as against 8 per cent in 1992. In 1995, men accounted for around 63 per cent of the total of older people employed.

B. Trends in underemployment

145. Since 1992, the National Statistical Institute (INE) has published data on visible underemployment, as measured by the number of hours less than the normal working day worked reluctantly by people willing to work more hours. A widespread increase was observed in all sectors throughout the period, which it is possible to see as a sign of an economy in recession. In 1994, underemployment rose by 17 per cent in the secondary sector and 8 per cent in the tertiary sector; the overall increase was 6 per cent.

C. Unemployment

146. The numbers of unemployed have risen since 1992. By 1995, unemployment had grown overall by 72 per cent compared to 1992, a rise which affected men in particular (+83 per cent between 1992 and 1995) and the 25-44 age group. In 1996, the unemployment rate rose less than in the preceding years, going up by around 4 per cent. The youth unemployment rate, which was 41 per cent of the total in 1992, fell to 33 per cent in 1996. The downward trend that began in 1991 continues. The unemployment rate was 4.8 per cent in 1991, 4.1 per cent in 1992, 5.5 per cent in 1993, 6.8 per cent in 1994, 7.2 per cent in 1995 and 7.3 per cent in 1996. These rates are below the European Union average.

147. With regard to the unemployed who are seeking work, the trend between 1992 and 1995 showed a significant increase in the number of persons seeking a new job as compared with first-time job-seekers. The former accounted for around 22 per cent of the total unemployed in 1992, 18 per cent in 1995 and 20.4 per cent in 1996.

148. Trends in long-term unemployment (more than 12 months) were as expected, that is, in line with the economic cycle, in which the percentage of long-term unemployed increases every time the unemployment rate goes up. In recent years, with rising unemployment and a lack of jobs, this group has probably grown in relation to the preceding year.

149. In 1995, the rise in the number of long-term unemployed was 5 per cent; they thus accounted for 39 per cent of the total, as against 26 per cent in 1992. This trend was even more marked in 1996, when the long-term unemployment rate stood at 42 per cent.

150. In terms of stock (i.e., the annual average of month-end figures), there was also an increase in the number of unemployed registered with Employment and Vocational Training Institute job centres, with growth rates on the order of 9.1 per cent in 1993, 14 per cent in 1994 and 9 per cent in 1995. In 1996, too, registered unemployment rose by 9 per cent.

151. At the regional level, the Lisbon and Tagus Valley region was particularly hard hit by the rise in unemployment (76 per cent between 1992 and 1996), as was the northern region (94 per cent), yet another reflection of one of the country's worst economic situations. It should be recalled that most jobs are concentrated in these two regions (78 per cent of the national total in 1996).

152. In the Alentejo region, in the south of the country, unemployment remains higher than in the other regions (11.7 per cent in 1995 and 11.5 per cent over the first three quarters of 1996), while the reverse is true of the central region, which has the lowest unemployment rate in continental Portugal (4 per cent in 1995 and 3.6 per cent in 1996). In the Algarve region, unemployment rates were 7.1 per cent in 1994, 6.7 per cent in 1995 and 9 per cent in 1996. 13/

D. Immigrants working in Portugal

153. As of 31 December 1996, the immigrant situation was as follows:

RESIDENT ALIENS AS AT 31 DECEMBER 1996

Country*	Occupations								Status					Other activities					Overall total
	0/1	2	3	4	5	6	7/8/9	Total	Employer	Independent worker	Wage-earner	Other	Total	Domestic worker	Student	Retired	Other	Total	
Overall total	20 571	4 991	3 429	7 088	7 210	1 093	42 428	86 810	15 842	930	69 728	310	86 810	33 190	33 375	5 450	3 394	75 369	162 209
Europe	10 435	3 595	1 249	3 103	1 406	443	4 771	25 002	9 087	556	15 271	88	25 002	10 017	4 980	3 813	1 520	20 218	45 220
Europe/EU	8 329	3 467	1 186	2 948	1 328	423	4 510	23 101	8 514	502	14 081	84	23 181	9 268	4 511	3 674	1 277	18 730	41 921
Germany	2 138	492	254	585	182	86	638	4 355	1 720	114	2 498	23	4 355	1 486	877	512	275	3 150	7 505
Austria	114	42	15	29	17	8	27	252	121	6	123	2	252	86	42	5	8	141	393
Belgium	270	133	51	88	43	26	281	892	284	27	598	2	892	261	267	73	38	639	1 531
Denmark	136	74	13	16	21	27	52	339	133	1	205	0	339	106	73	58	16	257	596
Spain	1 986	986	211	1 947	377	92	1 184	4 941	1 431	87	3 424	19	4 941	2 632	1 148	380	113	4 281	9 222
Finland	103	28	12	14	9	1	21	187	67	7	113	0	187	83	42	54	24	183	370
France	1 161	510	167	322	133	34	766	3 083	1 102	50	1 924	7	3 083	856	630	310	112	1 907	4 990
Greece	12	7	1	7	3	0	1	31	18	1	12	0	31	23	21	2	1	47	78
Ireland	109	22	6	10	7	3	19	171	75	7	86	3	171	44	13	15	3	75	246
Italy	998	180	67	163	74	18	257	1 348	472	58	819	3	1 348	284	212	86	46	638	1 984
Luxembourg	6	5	5	6	1	0	5	28	4	1	23	0	28	9	6	12	2	29	57
Netherlands	492	233	54	186	99	71	277	1 412	490	53	868	1	1 412	586	288	318	128	1 300	2 712
United Kingdom	2 489	1 084	321	388	367	86	908	5 644	2 388	108	3 148	23	5 644	2 631	790	1 752	484	5 656	11 310
Sweden	240	112	28	47	15	4	64	510	248	6	255	1	510	189	115	86	27	417	927
Europe/others	1106	138	64	154	78	20	281	1 811	573	54	1 180	4	1 811	749	357	139	243	1 488	3 299
Albania	2	0	0	0	0	0	0	2	0	0	2	0	2	0	1	0	0	1	3
Armenia	3	1	0	1	0	0	0	5	1	0	4	0	5	0	1	0	1	2	7
Belarus	3	0	0	1	0	0	1	5	0	0	5	0	5	2	0	0	0	2	7
Bosnia and Herzegovina	4	0	1	2	1	0	5	13	0	0	13	0	13	6	3	0	80	89	82
Bulgaria	134	6	1	3	2	0	21	167	41	1	125	0	167	58	49	5	19	131	298
Czech Republic	1	0	0	3	1	0	0	5	2	0	3	0	5	5	2	0	1	8	13
Cyprus	1	0	0	0	0	0	1	2	1	0	1	0	2	0	0	0	0	0	2
Croatia	31	2	2	6	1	0	3	45	0	4	41	0	45	16	11	0	3	30	75
Slovakia	3	0	0	0	0	0	0	3	0	0	3	0	3	3	0	0	0	3	6
Slovenia	2	0	1	1	1	0	0	5	0	0	5	0	5	3	0	0	0	3	8

Country*	Occupations								Status					Other activities					Overall total
	0/1	2	3	4	5	6	7/8/9	Total	Employer	Independent worker	Wage-earner	Other	Total	Domestic worker	Student	Retired	Other	Total	
Estonia	0	0	0	0	0	0	1	1	0	0	1	0	1	0	0	0	0	0	1
Ex-Czechoslovakia	34	1	1	0	0	0	10	46	10	0	36	0	46	12	7	2	1	22	68
Ex-Yugoslavia	62	6	1	2	2	0	8	70	29	5	35	1	70	22	11	1	12	46	116
Ex-USSR	123	3	1	3	1	0	20	151	64	0	87	0	151	135	18	1	4	158	307
Hungary	36	2	0	2	1	2	9	52	14	0	38	0	52	17	11	2	1	31	83
Iceland	3	2	0	0	3	0	0	8	2	3	3	0	8	5	5	1	0	11	19
Liechtenstein	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Lithuania	6	0	0	0	0	0	0	6	0	1	5	0	6	2	1	0	0	3	9
Macedonia	1	0	0	0	0	0	0	1	0	0	1	0	1	0	0	0	0	0	1
Malta	1	0	0	0	0	0	1	2	1	0	1	0	2	2	1	0	0	3	5
Monaco	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Norway	80	25	5	18	5	1	35	180	85	8	86	1	180	64	49	52	16	176	356
Poland	80	1	2	1	2	1	25	122	30	1	91	0	122	20	20	6	15	61	183
Romania	56	1	0	5	2	0	23	86	12	0	74	0	86	26	19	0	6	51	137
Russia	116	5	6	12	16	0	2	160	1	10	149	0	160	88	42	0	18	159	319
Serbia and Montenegro (F.Y.R.)	19	0	1	0	0	0	1	21	0	3	18	0	21	11	2	0	5	18	39
Switzerland	255	72	31	78	27	15	83	561	265	12	283	1	561	217	89	70	67	443	1 004
Turkey	16	2	1	11	8	0	9	47	14	4	29	0	47	14	10	0	6	30	77
Ukraine	35	0	0	3	3	1	3	45	1	2	41	1	45	11	7	1	7	26	71

Source: Planning Division, Ministry of the Interior.

* Portuguese alphabetical order
0/1 Scientific, technical, artistic and similar occupations
2 Company directors and senior managers
3 Government service
4 Commercial and sales
5 Security services, personal and household services and similar occupations
6 Agriculture, livestock farming, fishing and hunting
7/8/9 Manufacturing, transport

RESIDENT ALIENS AS AT 31 DECEMBER 1996

Country*	Occupations								Status					Other activities					Overall total
	0/1	2	3	4	5	6	7/8/9	Total	Employer	Independent worker	Wage-earner	Other	Total	Domestic worker	Student	Retired	Other	Total	
Africa	2 280	348	1 276	1 440	4 253	307	33 459	43 365	1 760	109	41 438	58	43 365	15 867	17 597	312	582	34 348	77 713
South Africa	178	167	34	79	6	9	66	554	254	6	294	2	554	403	435	63	70	971	1 527
Angola	600	16	169	237	1 062	48	6 041	8 213	323	20	7 881	9	8 213	2 783	4 693	53	137	7 [illegible]	15 879
Algeria	12	3	1	9	5	0	14	44	13	1	30	0	44	7	7	2	2	18	62
Benin	2	0	0	0	1	0	0	3	1	0	2	0	3	0	1	0	0	1	4
Botswana	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	1
Burundi	0	0	0	0	0	0	1	1	1	0	0	0	1	0	0	0	0	0	1
Burkina Faso	2	0	0	0	0	0	0	2	1	0	1	0	2	0	0	0	0	0	2
Cape Verde	387	15	651	173	1 833	149	18 669	22 153	220	12	21 898	23	22 153	9 484	6 753	107	109	16 453	38 606
Cameroon	1	0	0	3	0	0	1	5	1	1	3	0	5	3	1	0	1	5	10
Congo	2	0	0	0	0	0	1	3	1		2	0	3	2	0	0	0	2	5
Côte d'Ivoire	6	0	1	1	1	0	19	28	1	1	26	0	28	2	30	1	0	33	61
Djibouti	0	0	0	0	1	0	0	1	0	0	1	0	1	0	0	0	0	0	1
Egypt	16	0	1	2	1	1	5	26	13	1	12	0	26	7	8	1	5	19	45
Ethiopia	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	1	0	5	5
Gambia	0	0	0	0	0	0	3	3	0	0	3	0	3	0	0	0	0	0	3
Ghana	3	0	0	0	1	1	8	13	2	0	11	0	13	3	1	0	0	4	17
Guinea-Bissau	426	14	131	124	578	85	5 850	7 206	280	9	6 905	12	7 206	1 085	2 715	31	105	3 936	11 142
Equatorial Guinea	2	0	0	7	0	1	165	175	2	0	173	0	175	1	6	1	1	11	186
Lesotho	0	1	0	0	0	0	0	1	0	0	1	0	1	2	1	0	0	3	4
Liberia	0	0	0	0	1	1	6	8	0	0	8	0	8	2	1	0	20	23	31
Libya	4	2	0	5	1	0	2	14	5	0	9	0	14	3	16	0	0	19	33
Madagascar	1	0	0	1	0	0	0	2	0	1	1	0	2	2	0	0	0	2	4
Malawi	2	1	0	1	2	1	4	11	4	0	7	0	11	5	3	0	1	9	20
Mali	7	1	0	6	2	1	34	51	5	0	46	0	51	0	0	0	0	0	51
Morocco	43	6	1	22	26	3	57	160	26	6	126	0	160	37	30	3	16	86	246
Mauritius	2	2	0	0	0	0	3	7	4	0	3	0	7	1	1	0	0	2	9
Mauritania	0	0	0	0	0	0	2	2	1	0	1	0	2	4	16	0	0	20	22
Mozambique	256	59	153	467	149	5	812	1 901	270	0	1 629	2	1 901	980	1 387	18	38	2 423	4 324
Nigeria	14	0	0	1	2	0	18	35	7	0	28	0	35	7	9	0	0	16	51

Country*	Occupations								Status					Other activities					Overall total
	0/1	2	3	4	5	6	7/8/9	Total	Employer	Independent worker	Wage-earner	Other	Total	Domestic worker	Student	Retired	Other	Total	
Kenya	25	35	6	60	6	1	33	166	86	4	77	1	168	42	52	3	0	95	263
Central African Republic	0	0	0	0	1	0	0	1	0	0	1	0	1	1	0	0	0	1	2
Rwanda	4	0	0	0	1	0	0	5	2	0	3	0	5	2	4	0	5	11	16
Sao Tome and Principe	202	6	80	80	430	7	1 120	1 945	131	7	1 800	7	1 945	940	1 330	22	43	2 235	4 180
Senegal	23	0	0	99	3	0	176	300	16	35	249	0	300	12	8	0	1	21	321
Seychelles	0	0	0	0	1	0	0	1	0	0	1	0	1	0	0	0	0	0	1
Sierra Leone	3	0	0	2	1	0	6	12	1	1	10	0	12	5	2	0	11	18	30
Swaziland	3	0	0	0	0	0	0	3	2	0	1	0	3	2	2	0	0	4	7
Sudan	1	2	0	1	0	0	0	4	2	0	0	0	4	4	2	0	0	6	10
Tanzania	28	8	11	62	1	2	46	158	50	0	108	1	159	86	45	3	1	135	294
Togo	0	0	0	0	0	0	3	3	0	0	3	0	3	0	1	0	0	1	4
Tunisia	1	2	2	0	0	0	6	11	5	0	6	0	11	1	4	1	6	12	23
Uganda	0	1	0	0	0	0	1	2	0	0	2	0	2	0	1	0	1	2	4
Zaire	37	0	0	2	6	0	49	94	18	0	82	1	99	31	33	0	7	71	170
Zambia	2	0	0	2	0	0	1	5	2	0	3	0	5	2	1	0	1	4	9
Zimbabwe	10	1	1	5	1	0	5	23	10	2	11	0	23	14	7	2	1	24	47

Source: Planning Division, Ministry of the Interior.

* Portuguese alphabetical order

0/1 Scientific, technical, artistic and similar occupations

2 Company directors and senior managers

3 Government service

4 Commercial and sales

5 Security services, personal and household services and similar occupations

6 Agriculture, livestock farming, fishing and hunting

7/8/9 Manufacturing, transport

RESIDENT ALIENS AS AT 31 DECEMBER 1996

Country*	Occupations								Status					Other activities					Overall total
	0/1	2	3	4	5	6	7/9/0	Total	Employer	Independent worker	Wage-earner	Other	Total	Domestic worker	Student	Retired	Other	Total	
America	7 059	714	611	1 962	747	300	3 808	14 803	4 128	135	10 382	158	14 803	5 641	8 583	1 188	1 177	17 588	32 392
North America	2 143	220	67	128	17	100	873	3 667	1 432	0	2 098	126	3 657	1 707	2 196	821	386	5 180	8 837
Canada	151	35	18	50	11	44	213	522	75	0	447	0	522	298	696	22	77	1 093	1 615
USA	1 992	185	49	78	6	155	660	3 135	1 357	0	1 652	126	3 135	1 408	1 470	899	309	4 087	7 222
South America	4 626	486	724	1 434	730	101	2 735	11 146	2 684	135	6 284	32	11 146	3 934	7 417	267	791	12 409	23 555
Argentina	102	13	5	40	10	4	64	238	74	4	159	1	238	67	55	2	7	131	369
Barbados	2	0	0	0	0	0	0	2	0	0	2	0	2	0	0	0	0	0	2
Belize	0	0	0	0	0	0	1	1	0	0	1	0	1	0	0	0	0	0	1
Bermuda	0	0	0	1	0	0	0	1	1	0	0	0	1	0	0	0	0	0	2
Bolivia	0	1	0	1	1	0	1	13	5	0	8	0	13	7	5	0	3	15	28
Brazil	4 438	427	690	1 164	693	73	2 169	9 712	2 408	122	7 159	25	9 712	3 226	5 264	348	634	9 [illegible]	19 072
Chile	49	4	4	10	3	1	13	84	30	0	45	0	84	24	24	1	3	52	136
Colombia	62	3	3	7	4	0	14	93	36	1	55	1	93	58	23	3	4	85	178
Costa Rica	2	0	0	0	0	0	0	2	1	0	1	0	2	3	4	0	0	7	9
Cuba	34	1	2	3	1	1	7	49	14	0	34	1	49	27	4	3	4	38	87
El Salvador	0	2	0	0	0	0	0	2	2	0	0	0	2	9	3	0	1	10	12
Ecuador	10	3	0	3	0	0	2	18	2	2	14	0	18	10	4	0	4	18	36
Grenada	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	1
Guatemala	6	1	0	1	1	1	3	13	5	0	8	0	13	4	1	0	0	5	18
Guyana	0	0	0	0	0	0	4	4	0	1	3	0	4	1	0	0	0	1	5
Haiti	2	0	0	0	0	0	0	2	0	0	2	0	2	0	0	0	0	0	2
Honduras	0	0	0	0	0	0	0	0	0	0	0	0	0	3	3	0	0	6	6
Jamaica	2	0	0	0	0	0	0	2	0	0	2	0	2	0	1	0	0	1	3
Mexico	65	6	0	6	6	0	6	79	35	0	42	2	79	28	12	6	2	48	127
Nicaragua	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	1
Panama	3	0	1	0	0	0	6	10	1	0	9	0	10	6	4	0	0	4	14
Paraguay	7	0	0	1	0	0	0	8	5	0	3	0	8	3	2	0	1	6	14
Peru	26	7	0	6	6	1	17	71	17	0	53	1	71	45	17	3	5	70	141

Country	Occupations								Status					Other activities					Overall total
	0/1	2	3	4	5	6	7/8/9	Total	Employer	Independent worker	Wage-earner	Other	Total	Domestic worker	Student	Retired	Other	Total	
Dominican Republic	6	2	2	0	0	0	2	12	7	1	4	0	12	7	11	0	1	19	31
Suriname	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	2	2
Trinidad and Tobago	3	1	0	2	0	0	0	6	2	0	4	0	6	3	0	0	3	6	12
Uruguay	25	5	2	6	5	0	11	54	21	4	29	0	54	10	3	1	0	14	68
Venezuela	81	21	0	154	0	20	394	670	23	0	646	1	670	385	1 887	3	123	2 508	3 178
Asia	676	310	83	946	780	31	481	3 319	749	138	2 434	8	3 319	1 525	1 223	88	91	2 838	6 257
Afghanistan	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	1
Saudi Arabia	5	2	0	1	0	0	3	11	6	0	5	0	11	6	0	0	0	6	17
Bahrain	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	2	2
Bangladesh	3	0	2	76	2	1	12	96	3	47	46	0	96	1	3	0	0	4	100
Qatar	0	0	0	1	0	0	0	1	0	0	1	0	1	1	0	0	0	1	2
China	94	45	12	278	680	0	191	1 309	123	19	1 167	0	1 309	295	580	26	42	963	2 172
North Korea	3	4	0	2	0	0	1	10	7	0	3	0	10	7	1	0	0	8	18
South Korea	27	22	5	7	1	3	8	73	19	5	49	0	73	47	20	0	1	68	141
United Arab Emirates	3	0	0	0	0	0	0	3	2	0	1	0	3	0	0	0	0	0	3
Philippines	30	2	4	18	42	1	9	107	30	0	68	0	107	41	12	0	3	56	163
Hong Kong	17	7	3	6	4	0	1	38	5	0	33	0	38	4	16	0	0	20	58
Yemen	1	0	1	0	0	0	0	2	1	0	1	0	2	0	0	0	0	0	2
India	90	28	14	151	25	16	67	391	95	12	291	3	391	388	183	22	18	561	952
Indonesia	0	1	0	0	0	0	1	2	1	0	1	0	2	6	0	0	0	6	8
Iran	158	26	3	45	4	3	29	219	132	3	84	0	219	130	136	7	7	280	499
Iraq	28	11	1	13		1	20	74	24	0	50	0	74	41	36	3	3	83	157
Israel	32	19	0	5	0	1	6	63	37	0	25	1	63	14	8	3	2	27	90
Japan	131	60	16	29	9	3	42	328	163	10	154	1	328	171	84	10	12	296	624
Jordan	14	9	6	4	0	0	2	35	18	0	19	0	35	20	15	1	2	38	73
Kuwait	3	0	0	7	0	0	0	10	5	0	5	0	10	2	3	0	0	5	15
Lebanon	27	12	7	18	4	0	11	79	30	0	49	0	79	44	46	0	7	97	176
Malaysia	4	1	1	1	0	0	1	8	3	0	5	1	8	4	7	0	0	11	19
Myanmar	0	0	0	0	0	0	3	3	0	0	3	0	3	0	0	0	0	0	3
Palestine	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	2	2

Country*	Occupations								Status					Other activities					Overall total
	0/1	2	3	4	5	6	7/8/9	Total	Employer	Independent worker	Wage earner	Other	Total	Domestic worker	Student	Retired	Other	Total	
Pakistan	16	19	8	288	8	2	51	388	34	32	320	0	386	282	136	15	0	436	821
Singapore	2	2	0	1	0	0	0	5	3	0	2	0	5	6	3	0	0	11	16
Syria	23	2	0	1	2	0	5	33	10	1	10	0	33	17	16	2	2	37	70
Sri Lanka	4	0	1	0	1	0	0	6	2	0	4	0	6	7	0	0	0	7	13
Thailand	8	2	1	0	1	0	10	23	3	1	19	0	23	6	2	0	1	9	32
Taiwan	1	1	0	0	0	0	0	2	0	0	2	0	2	2	0	0	0	2	4
Viet Nam	1	0	0	1	0	0	0	2	1	0	1	0	2	1	1	0	0	2	4
Oceania	83	12	1	10	5	12	64	180	78	0	112	0	190	81	78	28	15	202	382
Australia	65	12	1	10	5	12	82	187	86	0	101	0	187	77	72	27	15	191	358
New Zealand	18	0	0	0	3	0	2	23	12	0	11	0	23	4	6	1	0	11	34
Statistics	31	12	8	27	8	0	46	131	40	0	91	0	131	58	36	10	-1	104	235

Source: Planning Division, Ministry of the Interior.

* Portuguese alphabetical order
0/1 Scientific, technical, artistic and similar occupations
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6 Agriculture, livestock farming, fishing and hunting
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IV. NATIONAL MEASURES FOR PROMOTING EMPLOYMENT AND TRAINING AND COMBATING UNEMPLOYMENT

154. The Ministry for Training and Employment has also opened an Internet Website which provides information on various employment-related questions, such as unemployment rates, industrial accidents, wage discrimination, strikes, as well as rapid access to a wealth of important information about employment. INFOCID (discussed in the introduction to this report) provides assistance to the unemployed. It comprises all the means, services, agencies and programmes which the State makes available to citizens to help them solve unemployment problems. These include a large number of legislative measures (some of which are mentioned below) designed to promote employment and vocational training.

155. Decree-Law No. 34/96 of 18 April establishes the conditions for granting financial support to private businesses which employ fewer than 50 people and hire young people (aged between 16 and 30) seeking their first job or the long-term unemployed.

156. Decree-Law No. 189/96 of 8 October provides for local employment projects designed to establish small businesses which have fewer than five workers and total investments of less than 12 million escudos, to be run by unemployed people, young people seeking their first job or workers at risk of unemployment.

157. Council of Ministers decision No. 154/96 of 17 September introduced a system for support to micro-enterprises (i.e. those employing no more than nine workers, which may take the form of individual entrepreneur, individual private company, corporation or cooperative) with investments of no more than 20 million escudos.

158. Ministerial Order No. 268/97 of 18 April provides for the organization of vocational training workshops to enable young unemployed people with an intermediate or advanced training background to participate in a vocational training programme in an authentic work context. Their aim is both to help the young people enter the labour market and to provide for a better transition between the educational system and working life. The workshops are open to young people from 16 to 30 years of age with advanced or intermediate skills who are either seeking their first job or are unemployed. The State determines the amount of the fellowship awarded to each beneficiary and undertakes to pay industrial injury insurance, a rental subsidy and travel expenses. The State also provides remuneration for the workshop organizer.

159. Ministerial Order No. 97/96 of 3 August establishes professional insertion units, i.e. organizations or services which cooperate with employment centres to provide young people with support in solving problems entering or reentering the workforce. The purpose of the units is to provide information and vocational guidance, as well as ongoing support, for young workers and young people seeking training and/or a job.

160. Ministerial Order No. 192/96 of 30 May introduced occupational programmes for unemployed people receiving unemployment insurance and those with verified economic difficulties. Under these programmes, unemployed

people are provided with temporary community work not organized as formal jobs. The work is always performed in the context of employment projects promoted by non-profit agencies. It can never be used to fill existing vacancies, but must consist solely of community work.

161. Ministerial Order No. 416/96 of 24 August establishes rules governing the workshop schools providing young unemployed people or young people seeking their first job with the skills required for performing jobs in the liberal professions and environmentally related jobs. One of the goals of the programme is to create new jobs.

162. Council of Ministers decision No. 44/97 of 21 March introduced the Programme for the Integration of Young People into the Workforce. The Programme has four main components: information and academic and vocational guidance; education and vocational training; support for insertion into the labour force; and access to employment.

ARTICLE 7

I. CONSTITUTION OF THE PORTUGUESE REPUBLIC

163. The legal basis for non-discrimination between men and women concerning conditions of work is article 13 of the Constitution in conjunction with article 59, which states that all workers, with no distinction whatsoever, shall be entitled to remuneration for their work, according to its quantity, nature and quality on the principle of equal pay for equal work, so as to guarantee them an appropriate livelihood.

164. According to article 59, workers are also entitled to the organization of work in conditions of human dignity that make for personal self-fulfilment. They are entitled to safe and healthy working conditions, rest and recreation, a limit the length of the working day, a weekly rest day, regular holidays with pay and material assistance when they are involuntarily unemployed.

165. Lastly, the State must fix a national minimum wage, limit the duration of work and provide protection for women during pregnancy and after childbirth, minors and disabled workers and those engaged in especially strenuous activity or working in unhealthy, toxic or dangerous conditions. The State is also required to develop a network of rest and holiday centres in cooperation with welfare services and to protect the working conditions and guarantee the social benefits of workers working abroad.

II. LEGISLATION ON EQUAL OPPORTUNITY FOR MEN AND WOMEN IN WORK AND EMPLOYMENT

166. This legislation basically consists of Decree-Laws No. 392/79 of 20 September for the private sector and No. 426/88 of 18 November for the civil service.

167. Decree-Law No. 392/79 guarantees women equality with men in terms of opportunity and treatment in work and employment, in fulfilment of the right to work established in the Constitution of the Portuguese Republic. This does

not mean that discrimination against men is permitted: the provisions of this legislation also apply, with the necessary adjustments, to discriminatory situations and practices against men.

168. Article 2 of Decree-Law No. 392/79 defines a number of concepts. Discrimination is considered to be any distinction, exclusion, restriction or preference based on sex, whose goal or consequence is to jeopardize or deny the recognition, enjoyment or exercise of the rights guaranteed by the labour legislation.

169. An employer is considered to be any natural or legal person competent to conclude individual labour contracts for the performance of the work in question. Remuneration consists of any financial payments to which the worker is entitled under the individual labour contract, whether or not of a remunerative nature, made in cash or in kind (see E/1990/6/Add.6, para. 273).

170. Equal work is work performed for the same employer when the tasks performed are equal or objectively similar to the tasks established; work of equal value is considered to be work performed for the same employer when the tasks carried out are of a different nature, but are considered to be equivalent when measured against objective job evaluation criteria.

171. Pursuant to article 3, the right to work implies the absence of any discrimination based on sex, whether direct or indirect, in particular by reference to marital status or family situation. Temporary provisions establishing a preference based on sex are not considered to be discriminatory when the differentiation is necessary to correct a de facto inequality. Measures for the protection of motherhood as a societal value are also not considered to be discriminatory.

172. The remaining provisions of the Decree-Law develop the rules mentioned above in terms of the concepts established in the text (for more details, see E/1990/6/Add.6, paras. 90 to 92).

173. This legislation also introduces the Commission for Equality in Work and Employment (CITE), which has been made responsible to the above-mentioned Office of the High Commissioner for the Promotion of Equality and the Family (for more details about the CITE, see E/1990/6/Add.6, para. 93, as well as the section below).

174. Decree-Law No. 426/88 of 18 November extends the system described above to the civil service. Article 2 states that the Decree-Law is applicable to civil servants and employees of bodies directly or indirectly managed by the State, regional and local autonomous governments and social security bodies. The text reproduces the definitions listed in the 1979 Decree-Law. However, it adds a definition of the exercise of public service: functions exercised within entities managed directly or indirectly by the State, regional or local autonomous governments and social security bodies. Pursuant to article 7.1, female workers are guaranteed career development opportunities which enable them to attain the highest rank under the same conditions as male workers.

175. Pursuant to article 9, notifications of competitive examinations, job advertisements and any other form of publicity connected with preselection or

recruitment cannot contain any direct or indirect restriction, specification or preference based on sex. Recruitment is effected solely on the basis of objective criteria. In situations where physical requirements have no relation to the functions to be performed or the conditions under which they are performed, such requirements are not permitted.

176. Article 12 stipulates that no entity has the right to institute disciplinary proceedings, apply sanctions or in any other way damage a worker under the pretext that a claim, remedy or suit for discrimination has been filed.

177. Decree-Law No. 296-A/95 establishing the Office of the High Commissioner for the Promotion of Equality and the Family stipulates that one of the Office's main goals shall be to contribute to effective equality between women and men by proposing policies for eliminating existing discrimination. Details about the Office were provided in the discussion of article 3.

III. NATIONAL MEASURES AND ACTIVITIES FOR THE PROMOTION OF EQUALITY IN WORK

A. Commission for Equality in Work and Employment (CITE)

1. General framework

178. With regard to working conditions, the work of the CITE (Commission for Equality in Work and Employment) is worthy of mention. The Commission was established by Decree-Law No. 392/79 of 20 September, with the above-mentioned amendments introduced on 18 November (Decree-Law No. 426/88). In order to increase the CITE's operational capacity and effectiveness, another functional change was recently introduced (see Decree-Law No. 254/97 of 26 September): the Commission for Equality in Work and Employment has been made responsible to the Ministry for Training and Employment (for further information on its membership, see E/1990/6/Add.6, para. 93).

2. Activities:

Receiving complaints and issuing opinions

179. Complaints submitted to the CITE are considered at meetings attended by representatives of the workers and employers concerned. The complaints are divided by the CITE into the four following groups: (a) complaints directly related to maternity, maternity leave, prenatal consultations, bottle-feeding, breastfeeding and assistance to families; (b) complaints relating to the low recognition of women's work and to sexual harassment: issues relating to wage discrimination for equal work, discrimination with regard to career, discrimination with regard to occupational category, lack of equal access to certain jobs and discrimination in access to decision-making posts; (c) complaints of sexual discrimination against males; and (d) complaints from outside the CITE.

180. For 1993 and 1994, of a total of 22 complaints, 10 were lodged in 1993 and 12 in 1994. Of those 22 complaints, approximately half (45.8 per cent) relate to job discrimination against women, followed by complaints concerning

maternity (20.8 per cent) and complaints of sexual harassment (12.5 per cent). There were no complaints of discrimination against men for the period 1993-1994; 20.8 per cent of the complaints submitted to the CITE are from outside its area of competence.

181. Most of the complaints of discrimination relate to wage discrimination for equal work or work of equal value, accounting for 54.5 per cent. Complaints relating to career discrimination are fewer in number, 18.5 per cent, followed by complaints relating to occupational category, 9 per cent, lack of equal access to certain functions, 9 per cent, and lack of equal access to certain posts, 9 per cent.

182. Half the complaints relating to maternity issues involve dismissals, while the other half involve loss of remuneration for absences (25 per cent) and other maternity-related issues.

183. In terms of annual trends, there was an increase in the number of complaints between 1988 and 1991, followed by a decrease. From a regional standpoint, complaints were concentrated in the northern region for the period 1993-1994 (accounting for over half of the complaints received by the Commission), followed by the Lisbon region (23.5 per cent) and the southern region (17.6 per cent). It should be noted that the largest concentrations of workers are found precisely in the Lisbon and Porto areas.

184. The distribution by sector of complaints for the 1993-1994 period was as follows: most were from the textile industry (23.5 per cent), followed by the electronics industry and the community services sectors (17.6 per cent). There have been no complaints since 1979 involving the primary sector, the mining industry or the electricity, gas and water sectors.

185. In 1995, the CITE received 25 complaints, most of which (11) concerned maternity-related issues. In 1996, 20 complaints were submitted to the CITE, most of which also involved maternity-related issues. The opinions adopted and published by the CITE on the complaints and petitions received are one of the most important aspects of its work, as they represent its assessment of how successfully the legislation on equality is implemented at the practical level.

186. Each opinion can cover a single worker or group of workers, at the company level or industry wide. Between 1993 and 1995, 13 opinions were issued in which the following discrimination issues were evaluated: occupational and wage category, 6 opinions; maternity and paternity, 5 opinions; prenatal consultations, 1 opinion; sexual harassment in the workplace, 1 opinion. 14/

Analysis of job advertisements in the newspapers

187. The legislation in force (Decree-Laws Nos. 392/79 of 20 September and 491/85 of 26 November) clearly prohibits discrimination against workers on the grounds of sex. A job advertisement published in the press cannot contain any statements which limit a male or female candidate's access to a job. A system of fines has been established for violations of the legislation in force.

188. The CITE has made an analysis of job advertisements from 1991 to 1994. Of a total of 5,081 advertisements in the daily newspaper Diário de Notícias analysed in 1991, 64 per cent (or 3,217 advertisements) were considered to be discriminatory. The following year, the total number of advertisements decreased (3,356), but the opposite was true of the percentage of discriminatory advertisements, which increased to 65 per cent. In 1993 and 1994, there was a gradual decrease in the percentages of discriminatory advertisements (51 per cent in 1993 and 47 per cent in 1994), while the rate increased to 51 per cent in 1995. At the same time, there was a general decrease in the number of advertisements (from 3,010 to 2,544). This trend was reversed in 1995, when the number of advertisements increased to 2,937.

189. The same trend is reflected in other newspapers. Correio da Manhã published 54 per cent of discriminatory advertisements (out of 3,903) in 1991; 49 per cent (out of 3,266) in 1992; 30 per cent (out of 3,558) in 1993 and 39 per cent (out of 3,451) in 1994. In 1995, the rate increased to 40 per cent.

190. Jornal de Notícias (a daily newspaper in the Porto region) published a consistently high level of discriminatory advertisements, with no reversal of proportions. In 1991, out of a total of 11,967 advertisements analysed, 9,340 (or 78 per cent) were discriminatory; in 1992, out of a total of 5,319 advertisements analysed, 4,166 (or 78 per cent) were discriminatory; in 1993, out of 6,627 advertisements analysed, 4,141 (or 62 per cent) were discriminatory and in 1994, out of 7,336 advertisements analysed, 4,682 (or 64 per cent) were discriminatory. In 1995, 58 per cent of the advertisements were discriminatory.

191. Further observations can be made on the analysis of job advertisements in the newspapers: one is that job vacancies began to decrease in 1992. Another relates to advertisement content, which reflects changes in organizational behaviour. The growing number of requests for salespeople and offers of entrepreneurial careers reflects a labour market which seems more oriented towards individual capacities, as the idea of the company with which workers maintain a lifelong connection becomes a thing of the past. Workers are now seen as independent professionals or private entrepreneurs.

Analysis of the collective labour regulation instruments (IRCTs) as they relate to working conditions

192. The CITE is currently conducting a study (begun in 1992) to monitor situations of direct or indirect discrimination in the IRCTs. The CITE has observed numerous cases of indirect discrimination in the categories of supervisor, executive secretary, dressmaker, embroiderer and packer. Situations of direct discrimination have been noted in the IRCTs for 1993 and 1994, such as the collective labour contract for cork workers, which is mentioned in the annex of CITE opinions.

193. A brochure on the IRCTs was prepared by the CITE in 1993-1994; it contains information on Decree-Laws Nos. 392/79 of 20 September and 491/85 of 26 November, as well as a table of IRCTs. The table includes female occupational groups and several CITE recommendations. The brochure is sent to trade unions, businesses, employers' associations and municipalities, in

particular, to provide them with additional information. Another brochure providing information on the CITE was prepared and disseminated in 1993. Its purpose was to provide trade unions, businesses, municipalities, small units at the community level and other bodies with information about the CITE.

Equality studies

(a) First study conducted on support measures for workers with elderly dependants

194. This study consisted of a survey aimed at learning more about the attitude of Portuguese businesses to the problem of assistance to the elderly. The number of elderly persons (60 or over) in the European Union has risen from 46.5 to 68.6 million in recent decades, an increase of approximately 50 per cent. It is expected that there will be 80 to 100 million elderly people in 2020, given increases in life expectancy, with women's life expectancy four and a half years more than men's.

195. Women are still the primary caregivers for children and the elderly members of the family and this role often overshadows their role in the work world, the development of their own career and their participation in community life in general.

196. The geographical framework chosen for the survey was the continental area and all industries were covered, with the exception of agriculture, forestry, hunting and fishing. The statistical unit for the study was the individual company and the sample was the register of companies' staffing tables for 1991. The companies were broken down into strata, which were used to build a random sample.

197. Questionnaires sent to approximately 1,000 companies asked for replies from heads of businesses and personnel directors. The reply rate was 60 per cent. The survey findings indicated a situation of indifference towards this problem, as only 4.8 of the businesses surveyed replied specifically to the question whether they had taken support measures for workers; most of the executives concerned also indicated that they considered the negative effects of the assistance given by workers to their elderly dependants to be non-existent or unimportant. It is primarily women who miss work in order to care for elderly dependants.

198. The number of businesses that are aware of the need to take support measures for workers with elderly dependants is very low. It should be mentioned that approximately 20 per cent of heads of businesses were of the opinion that it was not for the businesses to take such measures.

(b) Additional study undertaken by the CITE on the setting of criteria for increasing recognition of women's work

199. This study was the result of a proposal made in connection with the first measure of the third community action programme on equality of opportunity for men and women. It states that, despite progress achieved in the legal sphere throughout the last decade, certain complex concepts, in particular indirect discrimination and "equal pay for equal work", still need

clarification. Women's work continues to be held in law esteem and underpaid owing to discrimination built into the job classification, evaluation and promotion systems and the social security schemes.

200. The principal goals of the job analysis and classification system proposed by the study are the re-evaluation of jobs using a definition of the "equal pay for equal work" concept and the adoption of an occupational/job classification system suited to studying sex-based occupational segregation affecting women.

201. This system entails the selection of appropriate criteria for skills evaluation and studies of job rotation and occupational flexibility and should make it possible to prevent the downgrading of work with a high concentration of female labour.

B. Professional status of women working in the civil service

202. The CITE conducted a study, published in February 1996, on career opportunities and obstacles for women in the civil service. The study concluded that there were no imbalances between the educational levels of men and women working in the civil service. It also indicated that civil servants' salaries were determined not in terms of the employees' sex, but in terms of their occupational category. With regard to the proportion of men and women holding managerial posts in the civil service, 35.7 per cent of managers are women as opposed to 64.3 per cent men, a situation which clearly favours men. Promotions in 1994 were awarded primarily to men: 62.4 per cent to men in comparison with 37.6 per cent to women.

203. In other respects, men and women in the civil service are evenly distributed and women's lengthy careers are an indication of the increasing recognition of both working women and women's work. Portugal is one of the seven member States of the European Union which have taken measures for the recruitment of women civil servants.

C. Gender-based wage differences

204. A study has been prepared on gender-based wage differences in the different branches of industry. The 1992 staffing tables (of the Ministry for Training and Employment) indicate that the average difference between men's and women's wages is consistently unfavourable to women or, in other words that women earn less than men in all sectors of industry.

205. From 1991 to 1993, there was a gradual reduction in the difference between men's and women's wages. The gap between men's and women's incomes decreased from 29.7 per cent to 28.6 per cent. In October 1994, women's average gross income was nearly 30 per cent lower than that of men and their net income nearly 20 per cent lower. During the 1990s, an improvement was noted in women's pay in comparison with that of men. For 1995, the Statistics Division of the Ministry for Training and Employment also published (on its Internet Website) a study on the same topic covering October 1995. According to the study, men earn 12.6 per cent more than the overall average wage, while women earn 20.9 per cent less.

D. Vocational training trends

206. The number of women participating in the training workshops run by the training centres managed directly or indirectly by the Institute of Employment and Vocational Training has increased, with women accounting for 38 per cent of participants for the period corresponding to the second half of 1992 (according to the Institute's vocational training statistics). This can be interpreted as a sign of women's determination to obtain increased recognition and advancement in the workplace.

E. Wage-setting methods

207. The Government was heavily involved in the wage regulation process through the end of the 1970s; its role has since been reduced and is limited to the following aspects:

Production of forecasts and objectives at the macroeconomic level to serve as a basis for the debates in the Standing Council for Social Dialogue and for the determination of a contractual incomes policy;

Setting of wages for civil servants (there is an agreement between the Government and the trade unions covering 1996). The revised wage scale for civil servants and other employees of the central, local and regional administrations was published in Order No. 101-A/96 of 4 April and provided for rises of 4.25 per cent;

Updating of the national minimum wage (for 1996, this was done in the framework of a short-term cooperation agreement between the Government and the social partners. The revised scale was published in Decree-Law No. 21/96 of 19 March, which raises the wage by 7.2 per cent for domestic service and 5 per cent for the other sectors). In 1997, the minimum monthly wage was again updated by Decree-Law No. 38/97 of 4 February by 5 per cent and 3.8 per cent, respectively. The new wage schedule takes account of forecasts of the inflation rate and overall and sectoral productivity gains and provides for a real wage increase; labour regulation orders and extension orders in cases where no trade unions or employees' organizations exist or where the people involved are not members of any of those bodies.

208. For more details on the wage-setting method used in Portugal - collective bargaining - see E/1990/6/Add.6 (paras. 251 et seq.). In 1992, nearly 1.5 million workers were covered by collective labour regulation instruments (IRCTs). In 1993, wage negotiations lost momentum. That trend was reversed in 1994 and confirmed in 1995.

209. With regard to 1987-1988, 1991-1992 and 1996, the wage negotiation process culminated in centralized agreements on incomes policy, concluded in accordance with the guidelines on the increase of nominal wages established in the collective labour regulation instruments. These guidelines are based on the projected inflation rate and allow for productivity increases and the situation of enterprises and sectors with regard to competition.

210. The recent short-term Social Cooperation Agreement for 1996, concluded in the framework of the Economic and Social Council (tripartite consultative body), was not endorsed by one of the trade union federations. The Agreement provides for an automatic adjustment of the average collective bargaining reference index (4.5 per cent for a projected inflation rate of 3.5 per cent and a 2 per cent increase in productivity).

211. The Agreement established the minimum monthly wage for 1996 and extended the Christmas bonus entitlement to all wage earners.

F. National minimum wage

212. Portugal has had a system for determining the statutory minimum wage since May 1974 (Decree-Law No. 217/74 of 27 May). (For more details about national minimum wage coverage, see E/1990/6/Add.6, paras. 241 et seq.)

213. An analysis of the real variation between the minimum wage (adjusted for inflation) and the consumer price index (exclusive of rents) indicates that the national minimum wage has not kept pace with inflation. There has been a loss in the real value of wages in recent years (with the exception of wages for domestic service), in particular in 1993 and even more seriously in 1994. There was an increase in the real minimum wage in 1995, which seemed to be continuing in 1996 and 1997.

214. In April 1995, the proportion of workers earning the national minimum wage was 4.6 per cent for all industries (not including the agricultural sector or non-tradeable public services). This figure was 5.5 per cent in October 1995 and 4.7 per cent in April 1996. It decreased in comparison with the same month in 1994 (5.7 per cent) and 1993 (5.4 per cent). 15/ The real variation in the national minimum wage did not keep pace with productivity gains. In the 1990s, in fact, the tendency for the variation in the nominal minimum wage to be below inflation became stronger.

215. Since the introduction of the statutory minimum wage in 1974, there has been a loss in purchasing power, which, despite the beginnings of a recovery in the mid-1980s, today represents only slightly more than 70 per cent of the initial real wage. An analysis of the evolution of the national minimum nominal wage, the annual variation in the wages updated under the collective collections and the growth in average effective earnings beginning in 1992 indicates that the minimum wage was updated at a rate below that of wages under the collective conventions and average effective earnings, thus reducing the real purchasing power of workers earning the minimum wage.

G. Industrial accidents

216. A comparison of the last two quarters of 1995 indicates that there was a general decline of 2.5 per cent in the number of industrial accidents. The same trend was even stronger for fatal accidents, which decreased by 50.7 per cent. The branches of industry with the highest number of accidents are construction and metal, machine and equipment manufactures and transport equipment (20.7 per cent and 16.9 per cent, respectively).

217. There was a slight change in this trend during the first half of 1996, as the average number of industrial accidents, per month, was 16.8 per 1,000 during the second half of 1995 and 17 per 1,000 per month during the first half of 1996. The number of fatal accidents also rose. 16/

H. Wage arrears

218. According to an analysis of wage arrears trends for the second half of 1995, wage arrears have generally decreased. There was in fact a significant decrease in debts corresponding to wage arrears (118.2 million escudos in July, 17.8 million escudos in August, 10.3 million escudos in September, 77.6 million escudos in October and 17.3 million escudos in November, rising slightly to approximately 60 million escudos in December). In December 1995, there was an increase in debts attributable to wage arrears, which continued during the first quarter of 1996, when it rose to 224.5 million escudos. It dropped to 204.5 million escudos during the second quarter. 17/

ARTICLE 8

A. The right to organize in Portuguese legislation

219. Although no legislative changes worthy of mention have taken place during the period between the submission of Portugal's second report on the International Covenant on Economic, Social and Cultural Rights and the preparation and drafting of the third report on that Covenant, it must be borne in mind that the freedom and the right proclaimed in article 8 of the Covenant are of vital importance for the Portuguese State and have not been neglected. Both the right to organize and the right to strike are enshrined in articles 55 and 57 of the Portuguese Constitution; this is evidence of the importance and the high legal ranking it was sought to confer on them.

220. The right to organize includes freedom to form, join and leave trade unions. Freedom to form a trade union is not subject to any administrative authorization. (More detailed information on the regulations governing the right to organize is to be found in document E/1990/6/Add.6, paras. 315 to 317.)

221. Trade union associations are democratic organizations and independent of employers, the State, religious denominations, political parties and other political organizations. (For more detailed information on freedom to form trade unions see ibid., paras. 328 to 330.) They also have the right to participate in the drafting of labour legislation, to engage in collective bargaining (in the form of the negotiation and conclusion of collective agreements), to participate in the management of social security institutions and other organizations for purposes of the protection of the interests of workers, to participate in the formulation of economic and social development plans (through the participation of representatives of associations in the Economic and Social Council), and to take part in the Standing Council for Social Dialogue (for more details, see ibid., paras. 331 and 332).

222. The number of trade union associations, broken down by category and region, existing in Portugal on 31 December 1995 is shown in the table in annex 9, 18/ compiled by the Collective Labour Regulation and Labour Organizations Division.

B. The right to strike

223. Under the Portuguese Constitution, the right to strike may not be limited by law and it is for workers to determine the interests to be protected by recourse to the right to strike.

C. Restrictions on the right to organize and the right to strike

224. A limitation on the right to organize is to be found in article 270 of the Constitution, which authorizes restrictions in respect of members of the military and the security forces relating to the exercise of their right to freedom of assembly and association. The military and security forces do not have the right to strike.

D. Information on the exercise of the right to strike in Portugal

225. A comparison between the first five months of 1995 and the same period in 1996 reveals that the average number of strikes per month decreased from about 34 in 1995 to 26.6 in 1996. Although the number of strikes per month decreased, the number of workers involved in strikes increased between 1995 and 1996.

226. The sector of activity with the largest number of workers on strike was manufacturing, followed by the transport and communications sector. In 1995, as in 1996, workers' demands were primarily the result of wage dissatisfaction.

ARTICLE 9 19/

I. INTRODUCTION

227. The right to social security is also guaranteed in the Portuguese Constitution, article 63 of which states that everyone has the right to social security. The State has a duty to establish a unified and decentralized social security system designed to provide protection for workers and their families in the event of loss or reduction of capacity to work, involuntary unemployment or death and to provide compensation for family dependants. The system also seeks to protect individuals in the event of loss or reduction of basic income.

228. Social protection is continually gaining in priority and is of decisive importance for the Portuguese State. As an introduction to this subject, it is worth recalling that the percentage of gross domestic product (GDP) devoted to social security rose fairly steadily between 1991 and 1995; after falling from 9.3 per cent in 1991 to 8.3 per cent in 1992, it rose to 8.9 per cent in 1993, 9.2 per cent in 1994 and 9.5 per cent in 1995.

229. Attention is also drawn to the fact that the Ministry of Solidarity and Social Security decided to undertake a wide-ranging study on trends in social security between 1992 and 1995 during the first six months of the work of the present Government. The study is entitled "Social security: recent trends, 1992-1995".

II. RECENT CHANGES IN LEGISLATION

A. Changes affecting the family allowances scheme

230. Decree-Law No. 133-B/97 of 30 May introduced major changes in the family allowances scheme to improve the impact of the benefits granted to families with the lowest incomes, without, however, departing from the principle that everyone is entitled to benefits. The Decree-Law entered into force on 1 July 1997. The main changes are:

(a) **Benefits**

231. The family allowance, the birth grant and the breastfeeding allowance are replaced by a new single benefit, the family allowance for children and young persons, the amount of which varies according to the income of the family concerned.

232. The supplementary allowance for disabled children and young people is replaced by a supplementary payment for every disability which is designed to compensate for the financial burdens the family has to cope with in caring for disabled children under age 24; it is added to the amount of the family allowance.

233. Thus, the family allowances available are: the family allowance for children and young persons; the special education allowance; the monthly allowance for life; the allowance for assistance by a third person; and the burial allowance.

(b) Conditions for the award of the family allowance for children and young persons

234. Under the previous scheme, the general condition for the award of benefits was that a worker's contributions should not have been suspended for more than 12 consecutive months. The new Decree-Law establishes the general condition that a period of 6 calendar months with recorded earnings should be completed during the 12 calendar months preceding the next-to-the-last month before the date of the application or, in the case of the burial allowance, the date of the death.

235. It may thus be seen that the contribution period required for the award or maintenance of benefits has been extended; this is more in line with the contributory nature of the scheme. The Decree-Law also sets new age limits for the award of family allowances to children and young persons with a view to the necessary adjustments in levels of schooling. These limits are as follows:

Up to age 16;

Between ages 16 and 18 if the children or young persons concerned are enrolled in basic education courses or courses at an equivalent, or at the next higher, level or if they are taking a practical training course at the end of their academic training with a view to obtaining a diploma;

Between ages 18 to 21 if they are enrolled in a secondary education course or a course at an equivalent or the next higher level or if they are taking a practical training course at the end of their academic training with a view to obtaining a diploma;

Between ages 21 and 24 if they are enrolled in a higher education course or a course at an equivalent or the next higher level or if they are taking a practical training course at the end of their academic training with a view to obtaining a diploma;

Up to age 24 in cases of disabled children meeting the conditions for the award of an individual supplement for a disabled child.

(c) Amount of the family allowance for children and young persons

236. The amount of the family allowance for children and young persons is determined on the basis of the family's income, the number of persons entitled to the benefit and their respective ages. The Decree-Law defines three categories of incomes, indexed according to the amount of the highest wage guaranteed by law for all workers.

First category: For incomes equal to or less than 1.5 times the minimum wage

Second category: Incomes more than 1.5 times, but equal to or less than 8 times the minimum wage

Third category: Incomes more than 8 times the minimum wage.

237. The amount of the supplement depends on age, as follows: (1) up to age 14; (2) between ages 14 and 18; and (3) between ages 18 and 24.

238. The amounts of family benefits were updated by Ministerial Order No. 53/97 of 22 January.

(d) Maternity, paternity and adoption benefits

239. Decree-Law No. 333/95 of 23 December introduced changes in Decree-Law No. 154/88 of 29 April on social protection for maternity, paternity and adoption. It was designed to bring Portuguese legislation into line with European Community Directive 92/85/EEC on the introduction of measures to improve the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding. Only the provisions of that legislation affecting social security will be considered here.

240. The main changes introduced under the new standards are the following:

Extension of the period of benefit payment for:

The Maternity allowance: 98 days, 60 of them to be taken after childbirth (under the previous legislation: 90 days);

The allowance in the event of abortion: 14 to 30 days (under the previous legislation: 10 to 30 days);

The paternity allowance: This is granted to the father in the event of the incapacity or death of the mother or, if the two spouses so decide, during the period when the mother is still entitled to claim the allowance (under the previous legislation: 30 to 60 days in the event of the physical or mental incapacity of the mother; in the event of the death of the mother, during the period when she was still entitled to claim the allowance). The granting of the allowance on the basis of a decision of the two spouses is an innovation introduced by the new legislative text.

In the event of the death of the mother, the minimum period awarded to the father is 14 days (under the previous legislation: 10 days).

Creation of an allowance for assistance in the event of sickness of a disabled child, irrespective of age: the award of this allowance is subject to the condition that the child concerned is living with the person entitled to the allowance. This allowance is payable for each child for a period of up to 30 days in any one year.

Creation of an allowance designed to cover specific risks and to replace the loss of remuneration during periods when pregnant workers and workers who have recently given birth or are breastfeeding are exempt from work because their job may involve a specific risk of exposure to dangerous substances or working conditions or on account of night work. The amount of this allowance is the same as sickness benefit allowances.

B. Unemployment benefits

241. The primary purpose of the adoption of Decree-Law No. 418/93 of 24 December on unemployment benefits was to adapt the existing system to the changes which are gradually taking place in day-to-day economic and social life and, in particular, changes in conditions on the labour market. The new law, which entered into force on 1 February 1994, introduced major adjustments of both a technical and a substantive nature. Attention is drawn to the following:

(a) Definition of the contractual relationship

242. The new Decree-Law covers contractual situations not directly covered by the legislation on individual contracts of employment. Among other things, it provides that a person must have a contract of employment, even if it is governed by special legislation, in order to be entitled to employment

benefits. The previous legislation specifically stated that having of an individual contract was one of the necessary conditions for the award of benefits.

243. The legislation applies to individuals in the following categories: (a) Wage and salary earners having an employment contract, even if it is governed by special legislation; (b) Members of cooperatives treated as wage and salary earners who have ceased activity in the cooperative to which they belong for reasons beyond their control; and (c) Former recipients of disability pensions who are declared fit for work following a medical examination to review their disability.

(b) Amount of unemployment benefit

244. Since 1994, the daily amount of benefit has been 65 per cent of the reference remuneration used to calculate the benefit. The reference remuneration is defined as R/365, where R equals the total remuneration recorded during the first 12 calendar months preceding the next-to-the-last month before the start of unemployment.

245. There has thus been a change in the definition of the reference remuneration, which was previously defined as R/180. The rule for the calculation of unemployment benefit has been amended by the lengthening of the period taken into account for determining the average. Benefits can thus be adjusted in cases where remuneration has been irregular.

(c) Amount of unemployment benefit payable to former recipients of disability pensions

246. Under the new law, the daily amount of the benefit payable to former recipients of disability pensions is indexed on the amount of the highest minimum wage guaranteed by law and is calculated on the basis of a minimum of 30 days as follows: 100 per cent for insured persons with families of four or more persons; 90 per cent for insured persons with families of fewer than four persons; and 75 per cent for insured persons without dependent family members.

247. In comparison with the amount under the previous legislation, the new Decree-Law introduced a major change in that the number of family dependants is taken into account in calculating the benefit in much the same way as for the supplementary unemployment benefit.

248. The amount, whether in the case of the unemployment benefit or the supplementary unemployment benefit, may not exceed the amount of the disability pension for which the insured persons were eligible.

(d) Contributions equivalence

249. As under the previous legislation, unemployment benefit periods are taken to be the same as contributions periods. However, the new Decree-Law adds that, in certain circumstances, recorded earnings may be used as the

equivalent for insured persons over 55 who do not meet the statutory requirements for the supplementary unemployment benefit after the unemployment benefit period has ended.

250. Older unemployed persons are now better protected. The period between the termination of unemployment benefits and age 60, the age at which an unemployed person is entitled to early old-age pension, is taken into account in calculating the benefit.

(e) Amount of fines

251. The new legislation establishes increased fines in the event of failure by workers and employers to comply with legal obligations, the purpose being to make insured persons more responsible and to make the scheme more effective.

252. Decree-Law No. 57/96 of 22 May, which entered into force on 1 July 1996, establishes longer periods for the supplementary unemployment benefit. Under the new legislation, the benefit will be paid for the following maximum periods, from the date on which the application is made:

Unemployed persons up to 25 years of age: 10 months;

Unemployed persons aged 25 to 30: 12 months;

Unemployed persons aged 30 to 35: 15 months;

Unemployed persons aged 35 to 40: 18 months;

Unemployed persons aged 40 to 45: 21 months;

Unemployed persons over 45: 30 months.

(The previous legal regime is described in document E/1990/6/Add.6).

253. Where the supplementary unemployment benefit is granted after the beneficiary has used up the unemployment benefit period, the duration is reduced to half that of the latter. However, the supplementary unemployment benefit is paid for 15 months in the case of beneficiaries aged 45 to 55 who have used up the unemployment benefit period.

C. Disability and old-age benefits

1. Decree-Law No. 329/93 of 25 September 1993

254. The Portuguese law on social security coverage for disability and old age was amended by Decree-Law No. 329/93 of 25 September, which entered into force on 1 January 1994. This was dictated by the need for a modernized scheme at the technical level and for legal certainty (the scheme had consisted of a number of decrees, the first of which was adopted in 1963) and by the thorough socio-economic, including demographic, changes experienced in Portugal.

255. The principal changes in regard to disability and old-age benefits are as follows:

(a) Disability pension

Determination of permanent disability

256. The conditions for determining permanent disability are essentially the same. Disability is still assessed in terms of incapacity to work and loss of earnings, but wider use is made of any residual capacity and this is in keeping with efforts to rehabilitate the disabled.

Qualifying period

257. The qualifying period has changed from 60 months' contributions to five calendar years, whether or not consecutive, of recorded contributions, with a recorded earnings period equivalent to at least 120 days in any one year.

Calculation of pension

258. There have been some changes in the way the pension is calculated and in the amount. 20/ However, the supplement cannot be higher than the amount of the supplementary benefit under the non-contributory scheme.

Combination with other pensions or with employment earnings

259. Pensions under the general scheme may be drawn with pensions under other compulsory schemes, within the statutory limits. They may also be drawn with pensions under optional schemes.

260. A disabled worker may use any remaining capacity to work in order to engage in another occupation. However, the total amount of pension with the pay from any subsequent occupation may not exceed a specified limit. In the case of two occupations, the disability is recognized only where the reduced capacity to work relates to the better paid occupation.

(b) Old-age pension

Qualifying period

261. The qualifying period has been extended from 120 months' contributions to 15 years, whether or not consecutive, of recorded contributions, with a period of recorded earnings equal to at least 120 days in any one year.

Retirement age

262. In keeping with the Constitution and the requirements of the Social Security Framework Law, the new legislation observes the principle of equal treatment by establishing 65 as the retirement age for both men and women.

263. This standard retirement age will be introduced gradually. There is a six-year transitional period for this measure, with a six-month increase every year in the retirement age limit for women.

Calculation of pension

264. The rules are the same as for the disability pension. 20/

Combination with other pensions and employment earnings

265. Old-age pensions under the general scheme may be drawn with pensions under other compulsory schemes, within the statutory limits. They may also be drawn with pensions under optional schemes.

266. Pensions may also be drawn with earnings from employment and the contributions paid from earnings give rise to a higher pension. Contrary to the rules for disability pensions, no ceiling is set on old-age pensions combined with earnings from employment.

(c) Other changes

267. Apart from these changes, the Decree-Law did away with the supplementary benefit for a dependent spouse. However, this benefit is still paid to those who had so requested by the date of entry into force of the new Decree-Law.

268. The supplementary benefit paid previously for the totally disabled was replaced by an assistance allowance granted to pensioners in a situation in which they cannot fend for themselves. The law defines such a situation as one in which persons are unable to make the movements for essential needs (eating, walking and hygiene) and require the assistance of a third person. The allowance is granted from the month following the month of the application if the pensioner furnishes proof that he already had the assistance of a third person, or from the month following the one in which the proof is provided. The allowance is paid for the whole of the period in which the requisite conditions apply.

2. Order No. 700/96 of 3 December 1996

269. As stipulated in Act No. 28/84 of 14 August (Social Security Framework Law), disability, old-age and death benefits are periodically updated, in accordance with financial circumstances and the change in the general consumer price index. Ministerial Order No. 700/96 of 3 December, which entered into force on 1 December 1996, updated the amounts of these benefits as follows:

Pensions under the general scheme

270. Disability, old-age and survivor's pensions are 3.3 per cent higher for pensions up to 250,000 escudos and 2.5 per cent higher for pensions over 250,000 escudos.

271. The increase in disability and old-age pensions over 250,000 escudos may not be lower than the maximum update resulting from the application of the above conditions, with a limit of 50 per cent of the amount of the minimum pension.

272. The Order also established a special further increase in the amount of the updated pension in the case of pensioners aged 75 or over whose earnings

for the purposes of calculating the pension were not revalued because the law did not provide for such revaluation. In this, the Order's main innovation, the pension is updated by applying percentages ranging from 2.5 to 5 per cent. A fixed rate of increase is established for pensions over a specified amount. Since survivor's pensions are calculated on the basis of disability or old-age pensions, they are increased automatically.

273. The minimum monthly disability or old-age pension is 30,100 escudos.

Special scheme pensions for farmers (restricted group)

274. The monthly disability and old-age pension under the special scheme for farmers is 22,000 escudos.

Non-contributory scheme pensions

275. The monthly disability and old-age pension under the non-contributory scheme is 21,000 escudos.

Third person assistance allowance

276. The amount of the allowance is updated as follows:

(a) 10,400 escudos for disability, old-age and survivor's pensions under the general scheme;

(b) 8,850 escudos for disability, old-age and survivor's pensions under the special scheme for farmers and the non-contributory scheme.

Supplement for a dependent spouse

277. The monthly supplement for a dependent spouse is 4,560 escudos.

Christmas bonus and fourteenth month

278. The amount is equal to the updated pension benefit.

D. Social security coverage for self-employed workers

(a) Decree-Law No. 328/93 of 25 September

279. Changes in the social security coverage of self-employed workers were brought into force on 1 January 1994 by Decree-Law No. 328/93 of 25 September. This introduced very substantial changes aimed at adjusting the levels of social security contributions and protection to the differing situations of self-employed workers. The principal alterations were as follows:

Persons covered

280. The previous system covered self-employed workers and company directors and managers. The new system covers only self-employed workers. Directors and managers now come under the general social security system applicable to employed persons.

Situations covered

281. The new law established two benefit schemes: one mandatory, and the other optional. The mandatory scheme covers maternity, disability, old age and death. The optional scheme adds family benefits and benefits for sickness and occupational diseases. The legal framework for protection is, in each case, that established under the general social security system for employed persons.

Contributions

282. The worker is free to choose a basis of contribution equivalent to between 1 and 12 times the minimum wage, but, in order to prevent fraud, the rise in the contribution base over the period of contributory activity is subject to specified conditions. The stipulated rate of contributions is 25.4 per cent for the mandatory scheme and 32 per cent for the optional scheme; contrary to what happened in the past, it takes account of the real cost of benefits. The rise in contribution rates will, however, be gradual until 1999. Other, lower rates have been set for self-employed workers who already belonged to the social security scheme when the Decree-Law came into force.

(b) Decree-Law No. 240/96 of 14 December

283. This instrument came into force on 14 December 1996. It greatly altered the rules applicable to self-employed workers so as to cater for matters such as affiliation to the scheme by, and rates of contribution for, low-earning self-employed workers. The principal changes were as follows:

Affiliation to the scheme

284. The new Decree-Law provides that membership of the scheme is not compulsory for self-employed workers whose annual gross income is less than, or equal to six times the national minimum wage. Such persons may, however, join the scheme if they so request.

Obligation to contribute

285. Persons affiliating to the scheme for the first time are exempted from paying contributions for 12 months from the date of commencement of their activity. This is a very important change, since it will help to increase the number of self-employed workers.

Basis of contribution

286. The Decree-Law provides that persons whose annual earnings are less than 12 times the national minimum wage may opt for a basis of contribution equivalent to one twelfth of their earnings.

Sickness benefits

287. The waiting period and maximum duration of payment of sickness benefit were previously the same as for employed persons. In view of the special

circumstances of self-employed activity, the Decree-Law altered them to 30 and 365 days respectively. Notwithstanding, in the event of tuberculosis or hospitalization, there is no waiting period for the payment of benefits.

E. Guaranteed minimum income

288. Act No. 19-A/96 of 29 June instituted the payment from the non-contributory scheme of a cash benefit designated the "minimum income", as well as a social integration programme aimed at the economic, social and occupational integration of persons in need. This measure was applied experimentally to target groups until the end of June 1997, at which point it was expanded to cover everyone fulfilling the conditions laid down in the Act. The minimum income is payable to persons aged 18 years or more and persons aged under 18 who have minor dependants and meet the other conditions laid down in the Act.

289. The principal such conditions are:

The person must be legally resident in Portugal;

The person must not have a personal or household income exceeding the threshold set in the Act;

The person must expressly accept, and also follow, the programme provided for in the Act, in particular by being actively available for work or by taking vocational training or integration courses;

The person must be willing to seek other social security benefits or loans to which he/she may be entitled;

The person must comply with any requests to provide legal evidence of his/her financial situation or the financial situation of members of his/her household.

290. Payment of the minimum income is not permanent and the amount payable depends on the household's income and size. Despite having been instituted only recently, the minimum income scheme is already enjoying widespread success and it therefore seems appropriate to provide at least some, if only provisional, figures concerning the scheme.

291. Six months after their inception, there were already 114 pilot projects covering 4,071 households, for a total of 14,773 people. The projects were in widely differing areas (large cities and struggling rural areas). Also noteworthy is the rapid espousal of the scheme by local partners, especially local authorities and private charities.

III. SOCIAL SECURITY PROJECTS CURRENTLY UNDER STUDY

292. A Social Security White Paper Board has been established to study the reform of the social security system and submit to the Government proposals for making the system more efficient while preserving the principles of fairness and solidarity.

293. Inter alia, this requires the Board to:

Study the current state of the system from the demographic, economic and financial viewpoints, and from the standpoints of fairness and prevention of social exclusion;

Make projections of the results of the various options, including the preservation of the present system;

Consult institutions, unions and management, economic and social groups, and experts on measures to be taken;

Examine the reform measures needed in the short and medium terms;

Recommend to the Government specific action in fields of relevance to social security, especially measures to correct imbalance in employment.

The Board is also charged with promoting public discussion of the issue, with a view to ensuring the widest possible support for its proposals.

294. If one looks in greater detail at the Ministry of Solidarity and Social Security's study of the social security situation between 1992 and 1995, one finds that one of its main conclusions was that there was evidence in Portugal - and, indeed, in other European countries - of risks to the stability of the social security system. That evidence includes not only the socio-economic and demographic pressures now weighing on the system, but also the general increase in benefits, all of which are contributing towards a gradual change in the relationship between beneficiaries and contributors.

295. This trend is particularly marked in the case of retirement pensions, which account for some three quarters of total social security expenditure. For example, of spending allocations under the social security budget for 1994, 90 per cent were for social security benefits and 10 per cent for social welfare and management costs. The breakdown of benefit allocations was as follows: pensions (old age, disability and survivors'), 73 per cent; unemployment, 11.3 per cent; sickness, 6.6 per cent; family allowances, 4.7 per cent; others, 4 per cent. Excluding old-age, disability and survivors' pensions, real growth of the other benefits between 1992 and 1995 amounted to 26.3 per cent.

296. There is another feature of the situation in Portugal that is linked to retirement pensions: even though such pensions are small, they very often exceed the contributions paid by the beneficiaries. The reason for this is the shortness of many people's contribution period, which, in 1995, averaged 15.4 years. The situation is, however, on its way to being reversed, as shown by the fact that the average contribution period was 14.3 years in 1992, 14.6 years in 1993 and 15.1 years in 1994.

297. Among the projects under study by the Directorate-General for Social Development and draft legislation already proposed to the Government are the following:

(a) Proposals under study

Revision of the law on unemployment insurance, particularly as regards the award of benefits for partial unemployment;

Revision of the rules governing benefits for occupational hazards;

Institution of a supplemental scheme for journalists;

Regulation of part-time work;

Revision and unification of the systems for verifying temporary and permanent disability;

Improvement of the law applicable to domestic workers and assessment of the social security coverage of professional providers of tourist information;

(b) Draft legislation proposed

Decree-Law amending the sickness insurance scheme;

Decree-Law combining old-age pensions under the special scheme for agricultural workers with earned income;

Decree-Law governing the social security status of participants in training courses;

Decree-Law setting time limits for employers to notify social security agencies of the hiring of new workers;

Decree-Law providing for periods of military service in war zones to be taken into account for the purpose of calculating old-age pension entitlements.

ARTICLE 10

I. THE CONSTITUTION OF THE PORTUGUESE REPUBLIC

288. Article 36 of the Portuguese Constitution provides that everyone has the right to found a family on terms of complete equality. It also provides that parents have equal rights and duties as regards civil and political capacity and the upbringing and maintenance of their children. In keeping with the spirit of article 10 of the International Covenant on Economic, Social and Cultural Rights, article 67 of the Constitution provides that the family, as the fundamental element of society, is entitled to protection by the Constitution and by the State.

289. The acknowledgement of the family as the fundamental element of society led to the establishment in 1980 of a State Secretariat for the Family and the development, over the period 1982-1991, of the Organic Structure for Family Matters, comprising an Interministerial Commission on the Family, an Advisory Council on Family Matters and a Department of Family Affairs. Now family

matters come under the jurisdiction of the Directorate-General for Social Development and the Office of the High Commissioner for the Promotion of Equality and the Family, competence in them having been conferred on those bodies, beginning in 1995, by Decree-Laws No. 296-A/95 of 17 November and No. 3-B/96 of 26 January. The functions of the Office of the High Commissioner include, in particular, "promotion and development of the institution of the family by encouraging an active family policy and taking into account the specific situations of family members" (for a more detailed account of the High Commissioner's role, see the comments concerning article 2 of the Covenant).

300. The absence of a definition of the concept of the "family" was rectified by Act No. 19-A/96. Prior to the adoption of that text, there had, indeed, been no such definition in Portuguese law. Neither the Portuguese Constitution nor the Civil Code contains any definition of the concept of the family. Under the terms of Act No. 19-A/96, the concept of the family encompasses: "(a) the spouse or the person who has been living in a consensual union with the beneficiary for more than a year; (b) minor blood relations; (c) fully adopted minors; (d) minors adopted under the rules on limited adoption; (e) minors related to the household by marriage; (f) minors under guardianship; (g) minors entrusted to the household by decision of the courts or guardianship authorities; (h) minors in the course of being adopted, providing the legal procedure has been initiated; and (i) any other person who is entirely economically dependent either on the family or on the claimant".

II. NEW LEGISLATION ADOPTED TO DEAL WITH SPECIFIC PROBLEMS CONCERNING FAMILIES

301. Parliamentary decision No. 23/96 (Official Gazette 159, I-A, of 11 July 1996) recommends that the Government introduce a family card "entitling holders to easier access to certain goods and allowances and, to that end, define the personal and material coverage and sources of financing for the card, specify the content of the agreements and protocols to be concluded with the entities subscribing to the scheme, and propose what method of management should be followed and what measures should be taken".

302. Parliamentary decision No. 25/96 (Official Gazette 162, I-A, of 15 July 1996), which concerns family policy, recommends that the Government take the measures necessary for:

The establishment of an integrated tax and social security system;

The institution of the option of aggregating household income;

The adoption of tax relief in respect of dependants;

The adjustment of deductions from the taxable sum.

303. Act No. 19-A/96 of 29 June applies to households which have no entitlement to protection and are clearly disadvantaged by comparison with the population in general. Such families are covered by this law on the guaranteed minimum income, article 1 of which provides for the payment of "a benefit from the non-contributory social security system and [implementation

of] a social integration programme with a view to providing individuals and their families with resources to cover their essential needs and promoting gradual social and occupational integration". The guaranteed monthly income is pecuniary, of variable amount and temporary. "The integration programme shall comprise a set of measures, the principles whereof shall be defined by the Ministry of Solidarity and Social Security and the Ministry for Training and Employment; it shall be implemented locally by agreement between the local monitoring boards and the persons entitled to benefit from it, with the aim of creating conditions conducive to the gradual social integration of those persons and members of their families" (art. 3). The guaranteed minimum income, like the integration programme and its operating costs, is financed from the State budget.

304. The Act, with its provision for a one-year experimental period, came into force on 1 July 1997. Article 20 provides for pilot social welfare projects aimed at individuals and their families who meet the conditions for the award of the guaranteed minimum income. The projects, which encompass a social integration programme and, in some cases, financial support, are joint initiatives by public bodies and private charities. There has been a significant number of projects in a variety of localities; quantitative information on them is given below.

305. Follow-up and evaluation of the pilot projects, together with monitoring of Act No. 19-A/96, are the responsibility of the National Minimum Income Board, which comprises representatives of public and private bodies and of management and labour (see Order 84/96, in Official Gazette 166, second series, of 19 July 1996). This was one of the major factors leading to regulation of the Act by Decree-Law No. 196/97 of 31 July, whereby the guaranteed minimum income scheme was extended to the entire country.

306. Regarding the forms of family unit recognized for the purposes of protection, it should be noted that the concept of the family established in Act No. 19-A/96, article 6, encompasses the persons referred to above.

Guaranteed minimum income

Implementation of experimental projects

Region	Number of projects	Projects approved		Projects rejected	
		No. of families	No. of persons	No. of families	No. of persons
Grand total	220	9 692	32 957	4 631	13 982
North	64	2 150	7 050	935	2 458
Centre	47	2 547	7 664	1 237	3 372
Lisbon and Tagus Valley	65	2 256	7 097	807	2 409
Alentejo	14	311	1 127	333	863
Algarve	6	620	2 026	172	471
Azores	12	757	3 807	289	1 236
Madeira	12	1 051	4 186	858	3 173

Source: Gabinete de Apoio à Comissão Nacional do Rendimento Mínimo, June 1997.

307. Act No. 84/95 of 31 August amended family law by altering the provisions of the Civil Code concerning the consequences of separation or divorce and entitling parents to opt for the joint exercise of parental authority. The effect of these changes is that, in the event of separation or divorce, parents can agree that they will jointly exercise parental authority and resolve matters relating to their children's lives under exactly the same conditions as during the marriage. Parents can further agree that certain matters will be settled by agreement between them or that a child's property will be administered by the parent who is given custody of the child.

308. Regulatory Decree No. 1/94 of 18 January governs survivors' entitlement to benefits mortis causa in cases of consensual union. The benefits in question are survivor's benefits, death benefits and assistance to third-parties. Implementation of the provisions is, however, dependent on enforcement measures.

309. Decree-Law No. 48/95 of 15 March, which brought in the new Criminal Code, entailed minor changes in Act No. 6/84 of 11 May with respect to the cases in which voluntary termination of pregnancy is permitted. Articles 140 and 141 of the new Criminal Code concern the offences of abortion and aggravated abortion, which are respectively punishable by imprisonment for between two and eight years in cases where consent has not been given and three and eight years where it has; the penalties are one-third higher in the cases of aggravated abortion. Article 142 of the Criminal Code concerns non-punishable termination of pregnancy (see E/1990/6/Add.6, paras. 495 and 496).

310. Act No. 17/95 of 9 June concerning the protection of motherhood and fatherhood moves forward as regards the recognition of fatherhood and motherhood as social functions. The progress consists in the amendment of Act No. 4/84 of 4 April by Act No. 17/95 of 9 June, which incorporates European Community directive 92/85/EEC of 19 October 1992 into Portuguese law. Prior to this, the directive could be invoked against the State in Portuguese courts because the Commission for Equality in Work and Employment (the functioning and purposes of which are described in the chapter of the present report concerning article 3) had, in its opinion No. 1/CITE/95, found to the same effect as the directive. The resultant problem of application by the courts has been resolved by the transposition of the directive into national law by Act No. 17/95. Details of the changes brought into effect by this Act regarding maternity, paternity and adoption benefits will be found in the section of the present report relating to article 9 of the Covenant.

311. Should a mother or her child be confined to a hospital during the mother's maternity leave, that leave may, at the mother's request, be interrupted for the duration of the internment.

312. Article 14 provides for special child-care leave during the first three years of life of a person's natural or adopted child or the child of a person's spouse if the person is living with the spouse. Such leave is also available in the case of the birth of a disabled child (art. 15).

313. Article 16 provides for special conditions to protect the health of working women who are pregnant, have just given birth or are nursing a child.

Night work, on which pregnant women may not be employed, entitles the worker to special leave arrangements, to be defined in law (art. 16). Implementation of Act No. 17/95 is regulated by Decree-Law No. 333/95 of 23 December. For example, pursuant to article 2 (Decree-Law No. 136/85 of 3 May and Decree-Law No. 333/95 of 23 December), female employees must, when applying for maternity leave, submit at least 10 days ahead of time or, in urgent cases attested by a doctor, at the earliest possible moment a medical certificate showing the expected date of the birth. Abortion leave may be for a period of 14 to 30 days, depending on medical opinion.

314. Employees wishing to take adoption leave must give their employer at least 10 days' notice of their intention and furnish evidence of the adoptee's judicial or administrative status and age when doing so. In the event of adoption by a couple, the right to adoption leave is recognized only if both spouses are working. If the spouse taking adoption leave dies during it, the other will be entitled to the remainder of the leave or to leave for a period of 10 days, whichever is the greater.

315. Exercise of the right to maternity, paternity or adoption leave does not affect the right to leave interrupted in order to take such parental leave. If holidays begin before the leave, they will resume when the leave is over (art. 4). Article 12 provides for special child-care leave; this may be taken by one of the parents or, successively, by each of them. Unless the employee indicates otherwise, such leave will be for a period of six months.

316. It is also possible to obtain, in conjunction with maternity, paternity or adoption leave, a reduction of the normal working week in order to care for a disabled child. This right must be exercised subsequent to a period of maternity or paternity leave. An employee wishing to exercise it must give his/her employer at least 10 days' notice of his/her intention and furnish a medical certificate attesting the child's disability. He/she is also responsible for proving that the other parent's employer has been informed of the situation. In adjusting the employee's working hours, the employer is required to take account as far as possible of the employee's wishes. Reduction of the normal working hours does not entail any diminution of legal rights. No remuneration will be paid for the hours deducted from the normal working hours unless, in a given calendar year, they exceed the number of hours corresponding to the days of unpaid absence referred to in article 28, paragraph 2, of Decree-Law No. 874/76 of 28 December (Leave and Absence Act).

317. Decree-Law No. 322/95 concerns the dismissal of pregnant employees. The Commission for Equality in Work and Employment is competent to pronounce on proposals to dismiss employees who are pregnant, have just given birth or are nursing a child. The employer must provide the Commission with a copy of the proposal for dismissal. The stipulation in law of the time at which the proposal is to be given to the Commission is an important safeguard for pregnant employees, since the transmission generally occurs after the employee-protection organ within the enterprise (works council, trade union) has given its opinion on the case and that opinion is also communicated to the Commission.

318. Regarding protection for motherhood and fatherhood, Decree-Law No. 333/95 of 23 December concerns social security entitlements in such

situations. It amends Decree-Law No. 154/88 of 29 April, which covered the same topic relative to Act No. 4/84, and regulates Act No. 17/95. Provision is made for assistance to: women who are pregnant, have just given birth or are nursing a child; persons who, because of motherhood, fatherhood or the care of adopted minors, are physically or otherwise unable to work; persons who are required to assist their own or their spouse's children, adopted children or disabled juvenile relatives in the event of sickness.

319. Award of a sickness assistance allowance for natural children, adopted children or a spouse's relatives aged less than 10 years or for disabled children is dependent on the children's inclusion in the beneficiary's household (art. 7).

320. The daily sickness assistance allowance for natural children, adopted children or a spouse's relatives is 65 per cent of the beneficiary's benchmark remuneration (art. 12).

321. Maternity, paternity or adoption benefits are paid for a period equivalent to the period of maternity, paternity or adoption leave without pay taken by the employee (art. 14), unless the specific features of employment (for example, in own-account work) do not provide for such leave. The proof to be submitted for the benefits to be paid is specified in article 20 of Decree-Law No. 333/95, of 23 December.

322. Certain working conditions (exposure to certain agents, particularly arduous types of work, night work) entail specific risks for women who are pregnant, have just given birth or are nursing a child. Under article 12.A, the daily benefit for specific risks amounts to 65 per cent of the beneficiary's benchmark remuneration.

323. The periods of benefit for specific risks correspond to the duration of the periods of exemption from work granted under certain circumstances (exemptions granted in the case of specific risks which are too serious for the employer to apply any other measure).

Office of the High Commissioner for the Promotion of Equality and the Family

324. The fundamental and permanent objectives of the Commission for the Equality and Rights of Women, under the auspices of the High Commissioner, are to contribute to ensuring the same opportunities, the same rights and the same dignity for men and women, ensuring the effective joint responsibility of men and women at all levels of family, professional, social, cultural, economic and political activity, and contributing to the recognition by society of parenthood as a social function and to its assumption of the responsibilities deriving from it.

325. In order to attain these goals, the Commission is basically active in the spheres of multidisciplinary research on the situation of women and measures aimed at achieving equality of rights and opportunities; informing the general public and making it aware of the rights of women and the values of equality; documentation and bibliographical support for the activities which the Commission promotes; and legal matters, such as consultations and information for women.

326. It is the Commission's responsibility: to participate in the formulation of overall and sectoral policy affecting the situation of women and the equal rights of men and women; to contribute to amendments deemed necessary in the various areas of legislation by proposing measures, giving opinions on drafts or bills, and promoting the establishment of the machinery needed for the effective implementation of the law; to promote activities leading to the broader participation of women in development and political and social life; to promote activities which will make women and society at large aware of the discrimination to which they are still subject, so that they can advance their status by direct intervention and make society responsible for the same objective; to carry out and give impetus to interdisciplinary research on matters pertaining to the equality and situation of women, in particular by making the competent bodies aware of the need for a statistical approach to the situation of women in their areas of concern, and to promote the dissemination of this research; to inform public opinion and instil public awareness through the mass media; to take a stance on questions affecting equality of rights and opportunities, the situation of women, and the reconciliation of family and occupational responsibilities; to promote access to the law through a legal information service for women; to cooperate with international organizations and foreign agencies having the same objectives as the Commission.

Recent measures involving higher education and support for education

327. Among the new measures relating to access to higher education mention should be made of Act No. 1/96 of 9 January establishing rules for the system of payment for access to public higher education and Decree-Law No. 26-B/96 of 4 April establishing the regime for access to higher education.

328. A number of legislative measures have recently been taken in this regard. These include: (a) Order No. 721/95 of 6 July establishing new educational establishments in the areas of Greater Lisbon and Porto; (b) Decree-Law No. 173/95 of 20 July defining the machinery and conditions for the allocation of financial support for the creation and maintenance of pre-school educational establishments; (c) Ministerial Order No. 7-A/96 of 24 February, specifying auxiliary, non-teaching posts in educational establishments and in primary and secondary education for 1996; and (d) Decree-Law No. 16/96 of 8 March (amending Decree-Law No. 384/93 of 18 November) establishing educational manning tables (with reference to teaching appointments in the areas covered by the various educational authorities).

329. The Office of the High Commissioner for Immigration and Ethnic Minorities, which is answerable to the Council of Ministers, was established by Decree-Law No. 3-A/96 of 26 January. In the exercise of his duties, the High Commissioner provides support for consultation and dialogue with the bodies representing immigrants or ethnic minorities in Portugal, and for the study of the integration of immigrants and ethnic minorities, in collaboration with employers and unions, the mutual assistance institutions and other public or private bodies involved in this area.

Other legislative measures for the protection of children and young people

330. Employment is an extremely sensitive matter, especially as far as the first job is concerned. This makes the vocational training and preparation of young people particularly important, since they may have a determining effect on their working life. Order No. 247/95 of 29 March establishes specific measures to prevent and combat unemployment with the aim of helping to find work for persons currently or liable to become unemployed. This legislation applies to young people. Decree-Law No. 89/95 of 6 May promotes the hiring of young people seeking their first job and long-term unemployed persons. As regards financial support for young disabled persons, Order No. 1036/95 of 25 August updated the social education benefit for 1995-1996.

Portuguese Youth Institute

331. Decree-Law No. 70/96 of 4 June amended the organizational act setting up the Portuguese Youth Institute. The Institute is a juridical person in public law with legal status; it is independent in terms of its administration and assets and comes under the supervision of the member of the Government responsible for youth matters.

332. The Institute's duties are: (a) to implement measures adopted in the area of youth policy; (b) to give impetus to the social integration of young people (by supporting their participation in social, cultural, educational, artistic, scientific, sports, political or economic activities); (c) to support activities initiated by youth associations; (d) to encourage the participation of young people in civic matters; (e) to give impetus and financial and technical support to youth and students' associations; (f) to promote the access of young people to information through the creation, development and promotion of integrated information systems; (g) to give impetus to the establishment of youth centres and the participation of young people in their management; (h) to promote programmes for young people, especially as regards the use of spare time, cooperation, associations, movement, training, mobility and exchanges; (i) to keep up to date the national register of youth associations; (j) to establish machinery to stimulate and support the capacity for initiative and enterprise of young businessmen and young farmers; (k) to support and encourage the youth cooperative movement; (l) to support and encourage the participation of Portuguese youth in community and international organizations.

333. The regulations required for the execution of the above activities are approved by the member of Government responsible for youth affairs. The Portuguese Youth Institute may become affiliated to national or international institutions or organizations of the same kind, or participate in their establishment.

334. Regulatory Decree No. 3/96 of 4 June determines the departmental structure of the Portuguese Youth Institute, which is composed of central and regional departments comprising technical and administrative support units and operational units. At the central level, there is an administrative and financial department, a legal office and a data processing office, as well as a youth information department, a programmes department, an association support department, and an infrastructure and equipment centre.

335. The student association's activities are linked to those of the Institute. Hence mention should be made of Decree-Law No. 54/96 of 22 May amending some of the provisions of the preceding legislation (Decree-Law No. 91-A/88 of 16 March). The purpose is to establish precisely and unequivocally the procedure for the allocation of special grants, so as to consolidate the student associations' autonomy and enable them to adjust to new developments.

336. The support to be provided falls within the purview of the Institute, and the central or regional departments must respond to applications within 10 days. The application and allocation criteria are set down in the legislation, thus ensuring balanced allocation and meticulous administration of grants.

337. Decree-Law No. 55/96 of 22 May concerns the associations' leaders, who perform important work which, by and large, relates to academic shortcomings. Accordingly, the Decree-Law allows higher education students to request a monthly examination, over and above the usual procedure, extension of deadlines for presentation of work or reports, and the postponement of tests, which their association activities prevent them from attending, to a date to be agreed on with the teacher.

338. Orders No. 141/96 and No. 142/96 of 4 May deal with responsibility for young people's recreation. The purpose of the sports vacation programme established by Order No. 141/96 of 4 May is to contribute to the character-building of young people (up to the age of 30) through sports. This programme runs from 1 July to 15 September and embraces all sports activities for which there is a federative structure or some other organized form of association.

339. The sports vacation programme receives a budgetary grant for supporting projects submitted by the various sports federations. These projects must last at least two weeks and must be submitted by 24 May (for the year 1996) to the Portuguese Youth Institute or the central and regional offices of the Sports Institute (INDESP). The projects are initially evaluated by a regional commission, and then reviewed by a national commission.

340. The programme on the use of leisure time (OTL) - set up by Order No. 142/96 of 4 May - is designed to encourage young people to have direct contact with nature and to improve their knowledge of the historical, cultural and social aspects of the society in which they live. It therefore aims to promote the use of leisure time by young people (between the ages of 14 and 15) during the period from 1 July to 15 September in the following areas: environment, helping the elderly and children, culture, the historical heritage, civil defence and other important fields of social and community interest. The minimum duration of the projects is two weeks and the maximum is the period 1 July to 15 September. As in the case of the sports vacation programme, the OTL programme receives a budget allocation with which it can support projects. Municipalities may take part in each project submitted.

III. FAMILY-RELATED INITIATIVES TAKEN BY THE PORTUGUESE STATE

341. During the 1980s, the priorities for action concerning the rights enshrined in the Covenant developed around the threesome formed by the family, child and society. The relationship between family and employment was one of the most fertile areas in terms of legislation, studies, seminars, opinions and the establishment of a working group to successfully achieve reconciliation of working and family life.

342. In the 1990s, the objectives of the Department of Family Affairs were concerned with arousing awareness of the importance of the family and strengthening its capacity to solve its own problems. One strategy adopted was the implementation of measures that encouraged solidarity among generations, energization of civil society, promotion of family associations, support for integrated and interdisciplinary projects, development of university courses and research on the family as a medium for effective action vis-à-vis the public. The growing links with international organizations and Portugal's presence in the international forums betokened an enormous effort. A number of publications appeared and working groups were set up within the Department of Family Affairs. These groups addressed specific problems (children, the family and taxation, the family and housing, social communication, social policy, voluntary participation, cultural exchanges, family/school and parent/child relations and family associations). Their findings are to be found in the publication entitled "Action of the organic structure for family affairs, 1991-1993".

343. The subsequent publications of the Department of Family Affairs deserve mention: "The family in international human rights declarations" and the "Guide for the Portuguese family", which supplied Portuguese families with precise information on their rights, benefits and advantages in connection with the matters covered by the Covenant under consideration. These publications were widely disseminated throughout the country.

International Year of the Family

344. The International Year of the Family was the high water mark in Portugal's activities in the past decade. A Commission for the Year of the Family was established by Council of Ministers decision No. 11/91 (Official Gazette 78, 1-B, of 4 April) and was chaired by the Prime Minister; and an executive board was appointed and given the title of National Focal Point.

345. Portugal's activities during this period were presented in the publication "International Year of the Family: Report on Activities", which includes a compendium of the laws affecting the family published on the basis of aforementioned decision No. 11/91. The priority areas were education, health, culture and social solidarity, which joined topics already covered in the works referred to.

346. Another measure for protecting children and their families was the nationwide programme "What it means to be a child", set up by Order No. 26/MSSS/95 (6 December) of the Ministry of Solidarity and Social Security (Official Gazette 298, second series, of 28 December 1995). This programme is coordinated by the Directorate-General for Social Development and

is designed to develop special projects for children in need, at socio-familial risk or with disabilities with a view to their integration into the family and society.

347. Devised and launched in order to guarantee children some of the principles enshrined in the Convention on the Rights of the Child, especially those contained in articles 12, 19, 23 and 27 (right to express their own views; protection against any form of violence, abuse or maltreatment; protection and promotion of mentally or physically disabled children; and right to an adequate standard of living), the programme objectives are as follows:

To facilitate children's harmonious development and improve parent/family skills;

To promote children's reintegration into the family and society;

To improve family's and children's self-image;

To promote systematic knowledge of the phenomena affecting children at risk and their causes.

348. The programme is based on the principles of partnership among the various sectors and institutions; active community participation; training of employees involved in programme activities; and participation of the beneficiaries.

349. The following may be project promoters:

The regional social security centres;

The regional social security department of the Autonomous Region of Madeira;

The Social Development Institute of the Autonomous Region of the Azores;

The Santa Casa da Misericórdia in Lisbon (a charitable institution);

Private social solidarity institutions;

Other charitable institutions;

Non-governmental organizations (NGOs);

Cooperatives for education and rehabilitation of maladjusted children (CERCI).

350. The projects presented must:

Support infants in situations of family and social risk and/or with disabilities;

Help prevent delinquency and take action in situations of pre-delinquency and/or marginality;

Promote activities supplementing existing activities with a view to securing children's socio-familial integration;

Provide information on risks and their causes;

Target areas where there are most elements of risk;

Take innovative action and employ interactive methods that foster social and family integration.

351. The programme is funded by the Instant Lottery, which contributes 30 per cent of its annual net profits. The amount contributed in 1996 was approximately 1.3 billion escudos. Approximately 592 million escudos of this total were used to finance 42 projects catering to 6,439 children and their families, and some 800 million escudos were allocated to the Santa Casa da Misericórdia (a charitable institution) for projects it had developed on its own initiative.

352. As of September 1997, 88 projects had already been approved under the "What it means to be a child" programme and benefited 13,818 children and 8,267 families. They were concerned with:

Support for infants at risk (biological and/or environmental);

Prevention and rectification of situations of pre-delinquency and marginality;

Rehabilitation of children placed in institutions or foster homes into society and family life;

Provision of information on the problem of children at risk and its causes.

353. Where social welfare for the protection of children and young people is concerned, the leisure-time activity centres constitute a social response to the recreational needs of children between the ages of 6 and 13 and an important factor in averting social and educational marginality.

354. Increasingly rapid social changes, notably in terms of family disintegration (escalation of divorce, free unions and single-parent families), the composition of the gainfully-employed population, and equality between men and women, call for new, periodic responses to the needs of children and young people in order to prepare them to cope with the increasing causes and phenomena of risk.

355. The leisure-time centres therefore need to review their programmes and functioning, in order to expand the personal horizons of children and young people aged 16 or 17, including compulsory school attendance that provides them with guidance and a means of psychosocial development.

356. Adaptation of the framework and forms of the young people's own intervention necessitates the promotion of operational models that match their interests; specific situations and needs, such as early dropping-out of school and late entry into the world of work, also need to be addressed.

357. In an effort to respond to these needs, the Directorate-General for Social Development has issued a nationwide questionnaire intended to:

Identify the specifications of facilities for leisure activities (number of users, types of funding, juridical category, target population);

Evaluate the conditions in which existing resources are used (human and financial resources, physical conditions);

Evaluate the functioning and operational character of the facilities under study (pedagogical project);

Study the relations established between the facilities, their setting and the role they play in the community.

358. Although these data are provisional, we may conclude that 937 facilities were studied; of these 95 per cent possess the juridical status of private social solidarity institutions catering to 49,603 users over 6 years of age. Analysis of the answers to the questionnaire shows that some aspects will call for special attention in future and, in particular, specific efforts to ensure that the framework within which leisure activities are developed can guarantee the conditions needed for their proper functioning.

359. With regard to human resources, it is essential to adopt a law for technicians with special training in sociocultural activities and to promote training programmes which have been organized.

360. The beneficiaries require programmes that respond to their leisure activity needs; all sectors concerned - children/young people, parents/family and community - must be encouraged to participate. Another requirement is that this type of activity be progressively extended to include adolescents and young people.

361. The elderly have access to social facilities such as day centres, the companionship centres, home support services and homes; the purpose is to enable them to remain in a normal family setting, with placement in an institution as a last resort. However, when recourse to an institution is unavoidable, it is important to create conditions that ensure the high quality of that social response. In this connection, the Portuguese Government has approved the Regulations for the "Elderly in homes" programme with three basic objectives: (1) increased places in homes; (2) development of new solutions such as temporary accommodation; and (3) the possibility of accepting in homes elderly persons with differing levels of independence. The purpose of the regulations is to define the support regime to be applied under this programme for bodies promoting projects - private social-solidarity institutions and other communal non-profit agencies.

362. For elderly persons aged (over 65), it is planned to introduce a "Senior Citizens' Card" entitling holders to a range of goods and benefits (joint order issued by the Ministers of Supply, Territorial Planning, Justice, Finance, Health, and Social Solidarity, published in Official Gazette 61, second series, of 12 March 1996).

363. After the Senior Citizens' Card working group, composed of representatives of the aforementioned ministries, submitted its first report examining various aspects of the concept, organization, operation and administration of the card, the Senior Citizens' Card Foundation, made up of representatives of public and private-sector bodies, was set up to monitor the project (Decree-Law No. 102/97 of 10 February).

364. An integrated support programme for the elderly (PAII), set up under a joint order issued on 20 July 1994 by the then Ministers of Health, Solidarity and Social Security, is being carried out under the auspices of the Ministries of Health, Solidarity and Social Security.

365. The project is being financed with funds from the Joker lottery (similar to the Lotto), which contributes 25 per cent of its net profit for projects in support of elderly people suffering financial hardship (Decree-Law No. 412/93 of 21 December). The PAII comprises the following projects:

Travel cards for the elderly (train, metro, bus, boat);

Alarm facility;

Home-help service;

Centre for assistance to relatives;

Human resource training;

Health and water cures;

Tourism for senior citizens (as of May 1997, this programme had enabled around 25,000 persons aged over 65 to go on holiday. It has recently received fresh financing to help it continue in 1997 and 1998 - joint order issued by the Ministry of Finance, and the Ministry of Solidarity and Social Security, No. 256/97 of 21 August).

The projects carried out in 1996 benefited around 17,500 persons.

366. Also in the area of social security for older persons, a National Board for Policy on Older Persons has been established (Decree-Law No. 248/97 of 19 August) as a specialist consultative body in order to devise and implement policies old persons. The Board is made up of representatives of government departments and private bodies, including various associations for older persons.

367. The Department of Family Affairs has been actively involved in projects to combat social exclusion, with the direct objective of improving the living conditions of families in the following places: Alfange (Santarém/1990),

Vila Real (1991), Ameixoeira (Lisbon/1994), Abrantes (1995) and Chelas (Lisbon/1995-1996). For older family members, the National Commission for Older Persons has published a "Guide for Older Persons", dealing with rights in the areas of social welfare, culture and leisure, housing, health, transport, financial assistance and social-security services for older persons with special needs.

368. The following Measures to help families have been taken by the Directorate-General for Social Development.

369. For measures relating to children and young people, and disabled children, young people and adults, see the detailed information contained in document E/1990/6/Add.6, paragraphs 454-456.

370. In terms of support for the family, social welfare supplies facilities and services for the family as a whole or for individual members of the family as follows:

Home help - individual, personal attention for older persons, adults or families temporarily or permanently unable to meet their basic needs and/or carry out everyday activities because of illness, disability or other difficulties;

Guidance - seeks to provide information, guidance, referral and support for individuals and families with a view to prevention or to regaining their functional equilibrium;

Holiday camps - a social welfare facility for all age groups or the family as a whole. Seeks to meet beneficiaries' leisure needs and provide a break from their routine, objectives considered vital for everyone's physical, psychological and social well-being;

Community centre - multi-purpose premises permitting the development of a variety of services and activities with the aim of encouraging individuals, groups and the community to integrate socially, stimulating active participation and promoting voluntary work.

371. With regard to support for families with dependent children, a number of social welfare facilities have been developed and are listed in detail in document E/1990/6/Add.6, paragraph 455.

372. However, foster families can also provide solutions, chiefly by taking over the role of natural families who, for a variety of reasons, are not able to perform that role. Foster families, with appropriate help from support services and experts, form the basis of the social solution offered by fostering, which aims to place children, young people, older persons or disabled adults on a short-term, temporary basis in families considered suitable to provide this service.

373. As regards facilities and services, social solutions take the form of:

Public-sector facilities run by regional social security centres;

Private, non-profit social-solidarity institutions which receive technical and financial support from, and are supervised by, the regional social security centres;

Commercially-run social support establishments, licensed by the regional social security centres and covered by a new system of licensing and regulation of social support services for children, young people, and older and disabled persons (Decree-Law No. 133-A/97 of 30 May).

374. Responsibility for safeguarding quality of service in social facilities rests with the Social Security Inspectorate. This body ensures that the operating standards of such institutions are observed, in collaboration with the regional social security centres, which are responsible for providing technical support and for supervising the agencies that carry out social assistance activities.

375. Also with the aim of ensuring better-quality services, the Directorate-General of Social Development launched an evaluation survey training project (the FIA project). This project forms part of the Horizon Community Programme and its objective is to provide evaluation survey training for those specialist in central and regional bodies who are professionally involved in coordinating and providing technical support for social initiatives targeting the various age groups. Between June 1994 and June 1995, 13 specialists from central services and 74 from regional services evaluated 18 experimental projects, of which eight targeted children and young people and four targeted foster families for children deprived of their normal family environment.

376. Horizon Programme funding was also obtained by two other projects aiming to enhance the quality of foster services, and the gathering and systematic processing of information to be used in arriving at accurate and dynamic social analysis.

377. The first of these projects, "Fostering in Transition", was carried out in 1994-1995. Its aim was to provide in-service training for specialists working in fostering services, and to upgrade their professional skills. The training focused particularly on gathering, processing and interpreting data from these services and finding ways of responding to the analyses at the individual, family and community levels. These activities were based on a new version of the Family Record Card.

378. The project was carried out throughout the country, with activities in all the regions involving 11 specialists from the Directorate-General for Social Development, 11 from the regional social security centres, 23 from the subregional social security services and 94 others, from the same services, with responsibility for direct action within the fostering services.

379. Among the specific concerns of the project were the technical documents Analysis of the income and expenditure of families using the fostering services and Social security fostering service users, which were widely disseminated.

380. The other project, "Fostering, understanding and action", which is still under way, aims to consolidate the results of the "Fostering in Transition" project and to promote a coherent information-gathering system that will permit more rigorous technical analyses. The project provides foster care and establishes social observatories. The two observatories each cover one district and are located in greater Lisbon and greater Porto. Their aim is to develop, set up and test a social observatory model by gathering a set of data relevant to the social and economic integration of disadvantaged groups. Thus, the ultimate aim of these observatories is to ascertain whether they can be replicated.

381. In order to regulate the operation of a number of social services, to centralize the meagre existing legislation, and to establish a coherent framework for action on the social issues already mentioned, the Directorate-General for Social Development has recently prepared a set of technical guidelines for the establishment, siting, installation and operation of nurseries, holiday camps, reception centres for children at risk, homes for children and young people, support centres, residential homes, day centres, home-help facilities and homes for older persons.

382. With regard to children who have been abandoned or deprived of a normal family environment, particular mention should be made of the services offered by the foster-family programme already referred to, adoption, the reception centre for children at risk, and the home for children and young people:

Adoption constitutes a social response to help minors in need of a permanent replacement for their natural family;

The reception centre for children and young people at risk constitutes a social response in the form of a facility for children in need of urgent, short-term care;

The home for children and young people constitutes a social response in the form of a facility for children in need of a temporary or permanent replacement for their natural family.

383. The monitoring of children placed in a facility of this kind, particularly children who, temporarily or permanently, are unfortunate enough to be deprived of the support of their family, is undertaken as a matter of course by the social welfare services of the regional social security centres.

384. The majority of these facilities have specialized social workers who are trained to monitor the children placed in them (psychologists, social service specialists, educationalists) and collaborate with the supervisory and guidance specialists from the regional social security centres. At the same time, however, the child himself* must be able to give his views with respect to administrative decisions that affect him when he is removed from his biological family and placed in an alternative environment to be brought up. The same applies to the fostering service. Under Decree-Law No. 190/92 of

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* The masculine pronoun is used for the sake of convenience and should be understood to denote girls as well as boys.

3 September, a child or young person aged over 12 or possibly less must, if his or her mental development permits, be given a hearing; under the Civil Code (art. 1981), a minor aged over 14 may not be adopted without his consent.

385. These comments do not, of course, imply that social facilities run perfectly smoothly, particularly as the regional social security centres are short of human and financial resources; they merely demonstrate a concern not to neglect the harmonious development and legitimate interests of the children and young people who have recourse to such facilities.

386. Because of the complexity and multiplicity of the problems arising from situations of social risk, and the growing need for preventive action, which can only be effective if it is the outcome of coordinated, coherent policies in all the sectors involved in the protection and social integration of children and young people, various forms of interdisciplinary and inter-agency coordination have been introduced and implemented: these bring together representatives of various government and non-governmental sectors and institutions - in particular, the Minors' Protection Commissions (Decree-Law No. 189/91 of 17 May), and representatives of public bodies and private institutions set up within judicial districts with the aim of protecting minors up to the age of 12 in situations that affect their rights and interests.

387. Still on the subject of coordination and cooperation, attention should be drawn to the "Adoption 2000" programme, responsibility for which lies with the Ministry of Justice and the Ministry of Solidarity and Social Security. Its four main features are:

(1) Reform of adoption legislation;

(2) Reorganization of the social security adoption services;

(3) Coordination of public and private services; and

(4) Establishment of an "Adoption 2000" coordination group.

IV. CHILD LABOUR IN PORTUGAL

388. Legislation on child labour plays a very important role. The minimum age for starting work is set by the Labour Contract Act (art. 122), in accordance with the provisions of Decree-Law No. 396/91 of 16 October. This provides for a minimum age of 16 as from 1 January 1997 (i.e., the year following completion of the first cycle of nine years' schooling). Nine years' compulsory education was instituted under Act No. 46/86, of 14 October, starting with the pupils in the first year of primary school in school year 1987/88. The conditions for ratification of International Labour Organization Convention No. 138, setting a minimum age of 16 for starting work, are thus deemed to have been met.

389. A campaign entitled "A time to grow", which aimed to bring the seriousness of the problem of child labour to public notice, ran throughout 1994 and in 1995. At the invitation of the Institute for the Support of the Child (IAC), the Institute for the Improvement and Inspection of Working

Conditions (IDICT) took part in a working group set up to prepare a report on child labour in Portugal. The report was submitted to the International Working Group on Child Labour (IWGCL) and published in February 1996.

390. This working group, which is coordinated by two non-governmental organizations, IAC and the National Confederation for Action on Child Labour (CNASTI), includes representatives from IAC and CNASTI, IDICT, the Ministry of Education, the Office of the Ombudsman, and two leading trade unions, the General Workers' Union (UGT) and the General Confederation of Portuguese Workers (CGTP).

391. It should be noted that, of all the countries from which IWGCL requested reports, Portugal was the only one to have requested the participation of government bodies, non-governmental organizations and trade unions in the preparation of its report.

A. Legislative and other measures taken by the Government

392. In the field of criminal law, mention should be made of article 152 of the Criminal Code, ratified by Decree-Law No. 48/95 of 15 March, which explicitly and independently characterizes the offence of maltreatment or overwork of minors. Under this provision, anybody who employs a minor in dangerous, inhumane or prohibited activities or overburdens him with work is liable to a prison sentence of between one and five years. Under article 152, paragraph 3, this sentence is increased in the event of serious harm to the minor's health or his death. In such cases the sentence shall be between 2 and 8 years or 3 and 10 years respectively. This offence is public; that is to say, proceedings may be initiated without the filing of a complaint.

393. In terms of government action, an interministerial working group to combat child labour was recently set up, including representatives of the Ministries of Training and Employment, Education, Solidarity and Social Security, and Justice (joint order published in Official Gazette 79, second series, of 2 April 1996). The order established the interministerial working group to combat child labour with the aim of drawing up an integrated action plan to combat child labour and to study and put forward back-up legislative measures in collaboration with employers and unions. The group consists of two representatives of the Ministry of Training and Employment (one of whom is the group's coordinator), one representative of the Ministry of Education, two from the Ministry of Solidarity and Social Security, and one from the Ministry of Justice.

394. Under a joint order (10 September 1996) issued by the Office of the President of the Council of Ministers and the Ministries of Justice, Education, Training and Employment, and Social Security, the working group was disbanded and gave way to a National Commission to Combat Child Labour. The Commission is composed of representatives not only of the ministries, but also of trade unions and employers' associations. It is charged with: (a) coordinating, promoting, monitoring and evaluating at the national level action to be undertaken in order to combat child labour; (b) implementing new methods of coordinating the efforts of the various ministerial departments to combat child labour; (c) devising new means of cooperation between the regional authorities and the Government, so as to make more efficient use of

the available material and human resources and to create a greater stimulus for persons active in the social sector; (d) setting up suitable channels of collaboration and coordination with institutions directly or indirectly involved with child labour; (e) continually adapting action strategies to local characteristics and conditions; (f) using available information and accumulated experience to help structure action to address the problems relating to child labour.

B. Activities of the Inspectorate-General of Labour

395. The activities of the inspectorate-General of Labour (IGT) aim chiefly to monitor the illegal use of child labour. The statistical data obtained from IGT activities are given in an annex.

(a) Trends in child labour in Portugal

396. An analysis of the cases detected by IGT yields a number of indicators that make it possible to describe the extent of the phenomenon in Portugal. In this respect, the information contained in Portugal's previous report (E/1990/6/Add.6, paras 572-588) remains largely valid. The incidence of child labour is particularly high in the Braga, Porto and Aveiro areas, which together account for 80 per cent of the cases detected. 21/

(b) Distribution by economic activity

397. The economic activities in which the highest number of illegal situations have been discovered include the clothing, footwear, construction and public works, textile and catering sectors.

(c) Types of undertaking

398. Nearly all the cases detected occur in small-scale undertakings, almost all of which have a weak or even non-existent management structure.

(d) Minors - distribution by age

399. With regard to distribution by age, the number of cases of employment of minors aged between 10 and 12 has declined; the trend is even more marked in the 13-14 age group over the period 1990-1995, and particularly from 1992, when the minimum legal working age was set at 15.

(e) Minors - compulsory schooling

400. It should be noted that around 65 per cent of the minors found working during the period 1993-1995 had completed compulsory education.

(f) Minors - type of work

401. Minors are most often employed in light, simple tasks, but the work is repetitive and contributes little to their preparation for working life.

(g) Minors - occupational risks

402. The most dangerous situations arise in the construction and public works sector, while dangers also arise in the footwear industry from the use of particularly toxic solvents.

403. The following points arising from the data should also be noted with regard to child labour in Portugal:

Illegal child labour is increasingly shifting towards family-centred or home-based work or the informal sector, thereby intensifying its clandestine nature;

In this context, actual child labour in Portugal - that is to say, children working in situations arising from the current legal framework - is not extensive and is on the decline;

Trends in child labour are downwards, and it is now found virtually only on the marginal, clandestine fringes of the economy, persisting only in some small-scale, poorly structured businesses and in home work, family businesses or the informal sector;

On this scale, child labour is beyond the reach of IGT, partly because of the bounds of IGT jurisdiction and partly because of the legal constraints on the control of households;

The situation in Portugal regarding child labour, including its newer forms, and the problems relating to the effectiveness of inspection and control measures, are basically the same as those in other European countries, as can be seen from the Council of Europe report on children and work in Europe (Strasbourg, 1995);

The abolition of child labour on a scale including all the situations mentioned above, which is beyond the capabilities of IGT, requires the adoption and implementation of measures directed at its different forms taking account of current trends;

While coercive action on the part of IGT may discourage the use of child labour, it will have limited effect unless it is accompanied by other measures of a preventive nature which address the various causes of child labour, and by joint, coordinated efforts on the Government's part in terms of education, social security and youth policies.

ARTICLE 11

I. GENERAL INFORMATION

404. There is as yet no official definition of poverty in Portugal. It is generally accepted that poverty represents a situation of deprivation due to a lack of resources. The current Government's programme, which acknowledges the existence of approximately 2 million poor people in Portugal, states that "social integration policy should not be used only to combat previously-verified exclusion. It should be seen as a policy of key

importance in the prevention of situations of exclusion and in helping to strengthen a social fabric which will alleviate and eliminate the factors producing the exclusion". Worthy of mention in this context is the introduction by the Government of a guaranteed minimum income. Reference was made to this new measure in this report's discussion of article 10 of the International Covenant on Economic, Social and Cultural Rights.

405. Among current projects aimed at promoting an adequate standard of living in Portugal, mention should be made of the following:

A. The National Anti-Poverty Programme

406. Several diversified social support projects have been established under this programme and are being put into effect through integrated action plans. These projects target different vulnerable groups, including unemployed members of the labour force, especially women. The following are worthy of mention:

Vocational training, literacy and development of local crafts and other traditional forms of production;

Marketing of the goods produced, in an effort to increase family incomes and keep people in their places of origin;

Modernization and increased profitability of the agricultural sector through support for small farms, rehabilitation of small fishing concerns and improvement of access to transport;

Encouragement and incentives for the unemployed to take up activities, some of which are subsidized, considered to be "consistent with their skills", while providing them with the technical and financial support they need to organize a life and career plan that will create an income for themselves and their families, through own-account work or the creation of a job for themselves.

407. Sixty-six projects conducted in southern Portugal have led to the creation of 900 new jobs. In the north, 58 projects have been conducted and 160 new jobs created.

B. Support for drug addicts

408. The social welfare sector has developed support measures for drug addicts and their families, with a view to maintaining existing facilities (day centres, supervised apartments and long-term residential communities) and intensifying existing measures. The joint orders of 4 January and 24 April 1991 were adopted for the purpose of defining the powers of the private social welfare agencies and non-governmental organizations working in the field of drug addiction. They also specify the financial support to be provided by the agencies involved (currently being revised, in particular regarding the costs to be borne by each).

409. Another function of the regional social security centres is to provide drug addicts and their families with financial and technical support.

Technical support consists of information, advice and follow-up for individuals and their families, to help them establish better relations among themselves; financial support is intended for the purchase of medicines, monthly payments to the rehabilitation and reinsertion agencies, travel expenses for out-patient treatment and drug addicts in hardship situations.

410. The work of the regional social security centres, in cooperation with the departmental (district) centres of the Life Project (Projecto Vida), includes the following prevention measures:

Primary: direct supervision of young people;

Secondary: advice, referral to facilities and psychosocial support for drug addicts and their families;

Tertiary: referral to vocational training courses and employment centres.

411. As regards the financing of activities to be undertaken, Joint Order No. 42, published in the Official Gazette of 19 February, stipulates that 25 per cent of the net profit from the Joker (a lottery related to the Loto) should be assigned to the Santa Casa da Misericórdia and the Life Project at the beginning of each quarter. In 1996, 40 per cent of this figure was allocated to investment programmes, 20 per cent to maintenance of existing facilities, and the remaining 40 per cent to support for projects and measures to be undertaken, in particular by the private social solidarity agencies and non-governmental organizations in the area of primary, secondary and tertiary services for drug addicts, and the financing of training and research programmes.

C. Support for persons suffering from AIDS

412. Especially since 1992, the development of the AIDS epidemic in our country has led to a very significant increase in the number of people making use of the welfare services provided by the regional social security centres.

413. HIV/AIDS infection causes social dislocation, even among previously well-integrated people, and often lead to reintegration problems, emotional disturbances, and problems with housing and work. Infection also aggravates the situation of people who are already socially disadvantaged or marginalized, and particularly that of HIV-positive drug addicts.

414. Of the 523 persons receiving first-time assistance in 1995:

92.5 per cent were between 20 and 49 years of age, with 72.09 per cent in the 20-34 age group;

71.76 per cent were male;

78.9 per cent were unemployed;

80.7 per cent became infected through drug use, i.e. intravenous transmission of the virus.

415. Because of unemployment and gradual incapacity for work brought on by AIDS, most patients in the 20-49 year age group are excluded from social security benefits. Their hardship situation is aggravated by the need to purchase non-State-approved medicines, costing an average of 30,000 to 40,000 escudos per month. The many problems caused by lack of resources and increasing costs have made it necessary for the social welfare services to propose yearly increases in the subsidies granted to these patients and their families.

416. With regard to support measures for these groups, the regional social security centres are grappling with a number of difficulties, including the lack of specific training of the specialist staff working in this new field and the lack of regular financial support, in lieu of the current subsidy system, for patients who are ineligible for benefits under the social security schemes and suffering serious economic hardship.

D. Homeless persons and families

417. The word "homeless" designates anyone having problems characterized by uncertain housing, lack of a domicile, absence of a family environment or acceptable temporary housing conditions, or rent arrears due to lack of resources. This information is somewhat imprecise as the services concerned have no standardized tools for processing and gathering data.

418. Among the support projects for the homeless, mention should be made of the CAIS (Support Group for Integration of the Homeless) project, begun in 1995. This is a community support association which publishes a monthly journal sold exclusively by homeless people or by people belonging to other socially-excluded groups. The vendors receive 80 per cent of the income from the sale of the magazine, which provides them with a respectable job and a small wage enabling them to eke out a meagre living. The founders of the project regard it not as an end in itself, but as a transitional measure that will encourage the vendors to take further steps towards reintegration into society. Among the project's backers are the Lisbon city council and the State Secretariat for Young People.

E. Promotion of local development measures

419. Decree-Law No. 34/95 of 11 February and Council of Ministers decision No. 57/95 of 17 July relate to the programme of local development initiatives, which was established and regulated with the aim of "stimulating and supporting local development and the creation and consolidation of jobs, in particular through the creation of micro-enterprises or small businesses capable of enhancing local economies". This programme was the result of an initiative submitted by the Portuguese Government to the European Council at Corfu, entitled "The social dimension of the internal market: a new synergistic force".

420. It incorporates, in a single strategic framework, a number of mostly innovative activities. Among the objectives sought are the establishment of micro-enterprises and small businesses in complementary areas of industry and handicrafts; local and outreach services, especially social welfare services for children, and older and disabled persons, which are particularly important

in the social welfare sector; local employment activities consisting of small employment-generating investment projects aimed at unemployed people, young people seeking their first job and employed people; productive investment projects in the tourism industry, trade and services sectors, and internal initiatives by small businesses.

421. The Directorate-General for Social Development is represented on the commission for the selection of candidates for financing under the micro-enterprise support scheme; overall coordination is the responsibility of the Directorate-General for Regional Development (DGDR), with the participation of other agencies. In addition to these functions, the Directorate-General, as a sectoral body, deals with all applications for social support services.

422. The goal of this scheme, which is intended for businesses with no more than nine workers and investments of up to 2 million escudos in fixed assets, and for non-profit entities with investments of up to 75 million escudos in the area of social support services, is to create jobs and prevent people from leaving the areas affected by rural exodus through small investments for existing micro-enterprises or the establishment of new ones.

423. Although any investment project in the industry, tourism, commerce and services sectors is eligible for support, local and outreach basic services are considered to have priority. These services, in turn, provide social support services such as the following:

Infant care, day-care, family day-care and child-minding services;

Nursery schools;

Leisure activities;

Services for disabled and older people;

Services for dependent young people and adults, established in coordination with the health services;

Publicity and marketing services for products used in social support service delivery.

424. An assessment by the selection commission of the situation at 9 October 1997 indicated the following:

Number of applications

(a) Submitted to DGDR: 4,986;

(b) Approved: 3,483;

Number of jobs created: 10,260 (projects approved);

Total financing: 14,846,056,836 escudos.

425. More specifically with regard to social support services (situation at 9 October 1997):

Number of applications

Submitted to DGAS:	232
Approved:	170
Awaiting further documentation:	30
Rejected:	13
Under review:	14
Approval rate	73 per cent.

426. Order No. 247/95 of 29 March establishes specific measures for preventing and combating unemployment, with a view to facilitating entry or re-entry into the labour force by people who are currently unemployed or at risk of becoming unemployed. It also aims at promoting the social sector economy, including the private social solidarity agencies, inasmuch as they encourage employment, training and local social development initiatives.

II. THE RIGHT TO ADEQUATE FOOD

427. Among efforts to improve the nutrition of the most disadvantaged groups, mention should be made of the Food Assistance Programme for the most deprived persons in the Community. This programme was established pursuant to European Council Regulation No. 3730/87 of 10 December laying down the general rules for the supply of food to designated organizations for distribution to the most deprived persons in the Community. The products in question are olive oil, milk powder, butter, flour and bovine meat, and are distributed to people or families in the following situations: low income, long-term unemployment, recent bereavement, imprisonment or illness, family separation or abandonment, large family or natural disaster. Of the potential beneficiary agencies, priority is given to those servicing a large number of needy beneficiaries or beneficiaries with specific needs according to dietary charts (children, young people and elderly people) and to agencies located in depressed areas. The body in charge of coordinating the Annual Food Distribution Plan, approved by the European Commission, is the Department of Social Reintegration.

428. Among private efforts to combat famine, mention should be made of the "Food Bank for the Alleviation of Famine". The goal of this private social welfare agency is to collect food and store it for subsequent distribution to the neediest people in the country. The idea is to prevent the destruction of surplus food by the food companies. The Food Bank collects the surplus food, stores it in its facilities (approximately 1,200 m^2 of covered storage space in Lisbon) and makes it available to the social welfare agencies. The agencies are responsible for distributing the food to the most disadvantaged and neediest people free of charge.

429. The Food Bank was established in Lisbon in 1992, and in 1995 it distributed 1.705 tonnes of food of all kinds through 83 social welfare agencies. At the end of 1994 the Food Bank began operating in Porto and in 1996 in Ponta Delgada (Azores). Current projects aim at extending activities to Coimbra.

III. THE RIGHT TO HOUSING

A. The right to housing according to the Portuguese Constitution

430. Article 65 of the Constitution provides that everyone has the right, both personally and for his or her family, to a dwelling of adequate size that meets satisfactory standards of hygiene and comfort and preserves personal and family privacy.

431. In order to ensure the right to housing, it is the duty of the State to draw up and implement a policy for housing that is consistent with general national planning and based on urban development plans that guarantee an adequate network of transport and social facilities. The State shall also encourage and support the initiatives of local communities for the resolution of their housing problems and for promoting the establishment of housing cooperatives and self-help projects. The State shall also promote private construction, when in the public interest, and the individual ownership of housing. 22/

432. The State shall adopt a policy for the institution of a system of rents that are compatible with family incomes and for access to individual ownership of housing. The State and the local authorities shall exercise effective supervision over the use of immovable property, compulsorily acquire urban land where necessary, and lay down the legal requirements with respect to its use.

B. Principal housing policies in Portugal

(a) National planning

433. As regards the cities, programmes have been established for the rehabilitation of depressed areas and the reorganization of the urban fabric. These measures have been taken by the central authorities in cooperation with local authorities. Mention should be made of the Programme for the Rehabilitation of Depressed Urban Areas, a grant-based programme established in 1984 to rehabilitate or renovate depressed areas, in particular by providing interested municipalities with the necessary technical resources. Ten years later, in 1994, a programme was established for the development and enhancement of urban centres; this plays a key role in national planning. This is the Programme for the Consolidation of the National Urban System and for Support for the Implementation of Municipal Master Plans (PROSIURB). It is also a grant-based programme for financing infrastructure and support facilities for productive activities and urban rehabilitation and renovation measures. Its goal is to promote and economically revitalize city centres and to develop urban areas in general.

(b) Housing

434. The active role played by the State in housing policy began in 1974, but several measures taken at that time contributed to the destabilization of the market. One such measure was the rent-freeze policy, which caused a decline in investor confidence and a drastic drop in the supply of rental housing. Policies were then introduced to correct these distortions.

Stimulating private initiative and rental promotion policies

435. Efforts in this area have included a revision of the rent scheme through the establishment of a tax benefits system and rental subsidies for young people. In the 1980s a system of financial support for house purchases (through a subsidized loan scheme) was also established.

Policies aimed at insolvent groups

436. Since 1993 policies in this area have had strictly social objectives. These policies are described in paragraphs 672-678 of document E/1990/6/Add.6 and consist basically of the following: assistance to insolvent groups in Lisbon and Porto under a special rehousing programme; destruction of approximately 40,000 slum dwellings and construction of an equal number of new dwellings; establishment of a low-cost housing programme by making State-owned land available at reduced prices; introduction of a special rehousing programme with support from private social security agencies, among others; revision of the subsidized rent scheme and improvement of the conditions for home-ownership saving schemes.

437. These policies are consistent with the guidelines for the world housing strategy, according to which Governments should not play any role in housing construction but should facilitate access to their land, financing, infrastructures and services by eliminating restrictive regulations and procedures, and mobilizing the various parties involved with the aim of upgrading housing.

C. Housing problems relating to:

(a) Socio-economic conditions

438. On the outskirts of the major cities, and at times in large portions of the cities themselves, extensive areas of sub-standard housing have developed. They are occupied mainly by members of ethnic minorities and migrant groups, and this leads to a tendency to form "ghettos". Poverty and social exclusion in the metropolitan areas of Lisbon and Porto are particularly striking in the historic districts, which are inhabited by elderly people, often living alone, and by low-income families.

439. Poverty is aggravated by the lack of jobs and family support structures. It is characterized by begging, increasing numbers of homeless people and growing drug consumption, and is the underlying cause of the rapid growth of petty crime and marginality, in particular in the major cities.

(b) Infrastructures and facilities

440. The problems in this area relate to urban environmental conditions. Neighbourhoods containing unauthorized housing rarely have even the most basic infrastructure such as paved roads, running water, a sewage system and rubbish collection. The new developments (whether authorized or not) have gradually destroyed the green areas on the outskirts of the cities. The historic centres are in need of extensive work on the rehabilitation and preservation of existing buildings.

441. Attention should be drawn to failures to meet public water and sewage needs. It is estimated that over 88 per cent of the population are supplied with urban solid-waste recovery services, while only 42 per cent have access to any collection and treatment service and 29 per cent to a high-quality service.

442. Portugal is one of the member countries of the European Union with the lowest production of urban solid waste, but forecasts point to a rapid increase, hence the urgent need for investment in this field. Possible measures include privatization of waste collection systems with a view to their optimal functioning.

443. Conditions for the elimination of industrial waste are equally unsatisfactory. The situation is particularly serious with regard to hazardous waste since 75 per cent is dumped without any treatment whatsoever and only 4 per cent is recycled. Efforts have been made to rectify this situation. An appropriate legislative framework for waste-management has been established, while investments have been made in order to equip the country with urban waste checkpoints and sorting centres.

(c) Transport and means of access

444. Transport infrastructure is one of the areas in which most progress has been made in recent years. There has been considerable improvement in access, leading in turn to a substantial reduction in travel times between cities. In parallel, there has been an enormous increase in the overall use of transport, which rose by 125 per cent between 1970 and 1980 and by 67 per cent between 1980 and 1991. However, this development is affecting traffic (causing bottlenecks in metropolitan areas) and has had an adverse impact on the environment.

445. It should be pointed out that Portugal has adopted legislation in keeping with international environmental guidelines. It also participates in a number of working groups, programmes and activities relating to the transport-environment interface in the context of the European Union, the Organization for Economic Cooperation and Development, the United Nations and the European Conference of Ministers of Transport.

(d) Construction

446. Analysis of the housing situation over the past few years shows an improvement in housing conditions. In this context, attention should be drawn to the following:

The number of dwellings built in 1991 was almost double that of 1985;

There has been a reduction in makeshift housing;

Between 1981 and 1993 the percentage of homes without electricity fell by 10.1 per cent to approximately 1.2 per cent. Those without running water fell by 27.9 per cent to approximately 7.2 per cent over the same period. Homes without permanent bathroom facilities dropped by 42 per cent to approximately 25.5 per cent, and those without private sanitary facilities followed the same trend, falling from 21.5 per cent to approximately 14.5 per cent during that period;

The rental market is showing signs of recovery, stimulated by the growing attraction of this type of investment when compared with other financial products.

447. Despite these improvements, there is a tendency for the shortfall situations indicated above to persist, especially in the metropolitan areas.

(e) The environment

448. While the overall volume of atmospheric emissions is low, it is growing rapidly, leading to quite serious air pollution in industrialized urban areas. Sulphur dioxide emissions are greatest to the south of the Lisbon metropolitan area, where the major sources of emissions are located: two power stations, wood pulp plants, an iron and steel works, and a cement factory. Nitrogen oxide emissions are also higher in the coastal regions. The highest rates are to be found in the metropolitan areas of Lisbon and Porto owing to the density of road traffic.

D. Measures taken in connection with the right to housing

(a) Recovery of illegal urban developments

449. Illegal developments constitute a seriously erroneous form of urbanization from the town-planning standpoint, and an "improvised" solution found by civil society to cope with the strains on the property market. Local authorities's efforts to reclaim such districts constitute an exemplary corrective measure.

(b) Policies designed to solve problems relating to makeshift housing

450. New prospects for solving the problem of makeshift housing have been opened up by the Special Rehousing Programme (PER), and also housing policies for needy persons. The purpose of the programme is to eliminate the depressed districts in the metropolitan areas of Lisbon and Porto and rehouse their inhabitants. To this end, the central authorities have devised a special financial-assistance scheme for the municipalities responsible for implementing the programme. Agreements involving 48,391 dwellings had been concluded between the central and local authorities by the end of 1995.

451. Since there is thought to be a connection between makeshift dwellings and other types of risk to which their inhabitants are exposed, the PER also

seeks to achieve the effective social integration of rehoused persons, notably through the boosting of development levels, social energization, and forms of social interaction in the new districts, as well as providing psychosocial support.

452. Another such programme is the RECRIA ("recreate"), devised in 1988 as a financing mechanism for the rehabilitation of dilapidated rented buildings. The beneficiaries of this programme are owners who undertake refurbishment work, or tenants and municipalities who take over the property. The contribution could be as much as 65 per cent of the total value of the work and is borne by the central authorities and the municipalities.

453. The rental incentive programme for young people (IAJ) takes the form of financial support to help the under-30s assume part of their rental costs.

454. Lastly, housing cooperatives, which offer loans to members, are one way of creating controlled-cost housing, by boosting private initiative.

(c) Action for the social integration of the most disadvantaged groups

455. The National Anti-Poverty Programme (mentioned elsewhere in this report) is based on the establishment of public and private-sector partnership networks, integrated intersectoral action, and the participation of local groups and communities.

456. The INTEGRAR (Economic and social integration of disadvantaged social groups) programme forms part of the "Health and social integration" programme and is designed to promote the economic and social integration of the most disadvantaged population groups. It comprises measures to boost social development, the economic and social integration of the long-term unemployed and the disabled, and the construction and adaptation of support facilities for these population groups.

457. Urban Renewal Operational Action (IORU), part of the second community support plan, contributes to the urban renewal of slum areas to be demolished under the PER and of depressed districts in the Lisbon and Porto metropolitan areas.

458. The IORU cofinances the acquisition and creation of infrastructure on the sites, as well as construction of the social, sports and leisure facilities needed for the appropriate integration of the families to be rehoused or those already relocated to public housing. It also cofinances the construction or acquisition of areas designed not for residence but for setting up small businesses, services and industries in order to create jobs and endow the rehousing areas with a life of their own.

459. The overall investment envisaged for these measures is 39,763 million escudos, with community cofinancing accounting for 26,130 million escudos. The target areas for urban renewal cover approximately 1,500 hectares and involve some 42,000 families.

(d) Urban renewal and integration activities

460. One of these activities is EXPO 98. The holding of the World Fair in Lisbon in 1998 constitutes a major operation involving restructuring the urban environment and rehabilitating a very depressed area in the eastern part of Lisbon. It covers over 300 hectares hitherto used for activities which led to dilapidation. The project also involves a thorough reorganization of the road network, so as to create more favourable conditions for travel within Lisbon.

461. Another type of activity is the URBAN programme, which began in 1994 and will end in 1999. This is a community initiative designed to develop and improve urban areas beset by deteriorating housing, lack of basic infrastructure, and particularly serious poverty, unemployment, drug abuse and marginality. Partially financed with community funds, the programme relies on cooperation between the central authorities, the local authorities and private institutions. In addition to its housing and infrastructure activities, the programme also involves social development. The social security system has participated in this programme. The projects approved cover the Porto area (Vale Campanhã, S. Pedro da Cova (Gondomar)) and the Lisbon area (Casal Ventoso, Oeiras (Outurela), Portela and Loures (Odivelas)). The delay in negotiation of the programme hindered project financing in 1994/95, and a total of 62,420 million ECUs has been earmarked for the period 1996-1999.

(e) The Special Rehousing Programme (PER)

462. The Institute of Management and Alienation of State Residential Property (IGAPHE), responsible for housing matters in coordination with local authorities, in 1995 concluded affiliation agreements with the municipalities of Almada, Barreiro, Loures, Palmela, Seixal, Valongo and Vila Nova de Gaia, and with the Misericordeia in Porto. These agreements provided for the construction or acquisition of 14,825 dwellings and an investment of 113,661,998,000 escudos. The conclusion of these agreements formalized the affiliation of all the municipalities of the Lisbon and Porto metropolitan areas to the Special Rehousing Programme.

463. Specifically, the PER's achievements may be expressed in the following statistical terms:

Number of slum dwellings to be demolished	42 174	
Number of families to be rehoused	48 391	
Number of persons to be rehoused	162 523	
Number of dwellings to be built or purchased	48 391	
IGAPHE contribution	157 220 492 000	escudos
National Housing Institute investment	155 136 594 000	escudos
Self-financing by the municipal authorities	31 699 331 000	escudos
Total investment	344 056 417 000	escudos

464. In 1996, 72 participation contracts were concluded with the municipal authorities under the PER (Decree-Law No. 163/93 of 7 May) covering the construction of 1,298 dwellings and the purchase of 3,559 dwellings, i.e. 4,857 in all. The entire investment totals 40,720,228,000 escudos, the IGAPHE's contribution being 16,909,118,000 escudos, with a subsidized credit in the amount of 5,844,865,000 escudos from the National Housing Institute.

465. With the contracts concluded in 1996, the total number of participation contracts concluded by IGAPHE came to 110, including construction of 2,248 dwellings and the purchase of 5,044 dwellings, making a total of 7,292. This brings the overall investment to 59,615,966,000 escudos, IGAPHE having contributed non-repayable funds in the amount of 24,640,648,000 escudos. The National Housing Institute's overall subsidized credit up to 1996 was 10,225,798,000 escudos, covering 49 contracts for 3,031 dwellings.

(f) The Rehousing Programme

466. The Special Rehousing Programme's target (see E/1990/6/Add.6, paras. 674 and 676) was to demolish the existing slums in the metropolitan areas of Lisbon and Porto with a view to providing families living there with accommodation suited to their size. This programme was initiated through Decree-Law No. 226/87 of 6 June and covers the entire country. IGAPHE has concluded cooperation agreements with the municipal authorities, as well as participation agreements.

Cooperation agreements

467. IGAPHE has concluded cooperation agreements with various municipal authorities for the implementation of rehousing programmes pursuant to Decree-Law No. 226/87 of 6 June. The purpose of these programmes is to rehouse people living in slums or in similar conditions. In implementing these rehousing programmes, the municipal authorities may build or purchase dwellings (Decree-Law No. 197/95 of 29 July). The National Housing Institute has also entered into subsidized credit contracts with the municipal authorities that submitted rehousing projects.

468. Pursuant to Decree-Law No. 226/87, 29 cooperation agreements were concluded in 1995 with the municipal authorities; they provide for the construction or purchase of 2,412 dwellings for rent, under the subsidized rental scheme, for families living in slums or similar conditions. These agreements entail an estimated total investment of 13,943,794,000 escudos.

469. All the cooperation agreements concluded by IGAPHE up to the end of 1995 comprise 123 agreements involving 32,896 dwellings and an estimated investment of 124,078,720,000 escudos (IGAPHE's share being 62,039,360,000 escudos). These agreements are also concluded through participation contracts, each of which covers one set of works.

Participation agreements

470. During 1996, 37 participation contracts were concluded with the municipal authorities, pursuant to Decree-Law No. 226/87, covering

construction of 1,620 dwellings, with IGAPHE participation of 5,005,807,000 escudos. The National Housing Institute (INH) concluded financing contracts to the value of 5,608,111,000 escudos. These contracts brought the total number of participation contracts concluded by IGAPHE to 153, for the construction of 12,242 dwellings, 7,933 of which were funded by IGAPHE. Total estimated investment is 47,391,068,000 escudos with IGAPHE's planned share at 30,590,795,000 escudos, while INH's subsidized credit was 48,067 million escudos, corresponding to 182 contracts.

471. In 1996, 1,146 dwellings were completed under participation contracts. They entailed a total investment of 4,082,201,000 escudos by IGAPHE, and an INH subsidized credit. Under Decree-Law No. 278/88 of 5 August, IGAPHE contributes up to 25 per cent of the purchase price of low-cost housing for needy families registered under municipal housing programmes. A contract was signed with the municipality of Esposende in 1996 for a contribution to the purchase price of 34 low-cost dwellings. This contract comprises 34 dwellings for a total value of 248,695,000 escudos, the IGAPHE share being 37,304,000 escudos and that of the municipality 37,304,000 escudos.

IV. THE RIGHT TO THE ENVIRONMENT 23/

472. The environment is another concern in the creation of decent living conditions, which is why it has been included in this chapter of the report. According to the report on the broad options of the 1997 plan (appendix to Act No. 52-B/96 of 27 December), governmental action relating to the environment focuses mainly on basic sanitation measures (water supply; and collection and treatment of effluents and solid waste), protection and conservation.

473. Water policy is one of the strategic fields of action of the Ministry of the Environment; it includes water-resource planning and management and the guaranteed supply of high-quality drinking water. With regard to effluent collection and treatment, there are plans to:

Complete the distribution and treatment systems for which sizeable investments were made in previous years, but which remain unfinished or non-operational;

Supplement infrastructure investment with an administrative segment which calls for the upgrading of basic services and human resources, and the development of new management models.

474. With regard to solid waste, a series of measures designed to make amends for earlier delays are planned for 1997. They include the following:

Inauguration of the waste products institute, the establishment of which attests to the priority accorded to waste management in environmental policy;

Implementation of a strategic plan for urban solid waste;

Enactment of the new legislation on packaging and the creation of the "Green Dot" company, essential as a support for a selective packaging collection and recycling policy.

First-time implementation of minimum levels of re-use, to facilitate a genuine prevention policy that will reduce the recent growth rates in urban solid waste.

475. With regard to the preservation of nature policy, among the broad outlines to be translated into action in 1997, attention should be drawn to all protected areas, the National Ecological Reserve, and the "Natura 2000" national site network, the creation of regional and local areas and their joint management - defined by contract - with local authorities and environmental protection associations, and the involvement of various agencies in the pursuit of the goals established.

476. Thus, in the field of the environment, policy options comprise many aspects.

477. Water: The idea is to consolidate, continue and complete the major water works and water supply systems, and to plan the use of water resources and the public water domain, with the help of new regulations, and management methods.

478. Effluent collection and treatment: The aim is to achieve universal collection and treatment of urban sewage so that, by the end of the second community support plan, 90 per cent of the Portuguese population will have self-sufficient urban effluent collection and treatment systems; to ensure proper functioning of the systems to be built, seeking appropriate and coherent solutions for their planning and operation; to take a structured approach to the treatment of industrial effluents.

479. Solid waste: This area calls for the Waste Institute to be launched with the following measures:

Study of the problem of urban solid waste and launching of the construction of most of the multi-town integrated systems;

Enactment of the new legislation on packaging and creation of the "Green Dot" company, essential for laying the foundations for a selective packaging and collection recycling policy;

Application of minimum re-use norms, which will make for a genuine prevention policy that can reduce the rates of growth of urban solid waste observed in recent years;

Progress with the construction of an integrated system for industrial waste;

Help in achieving a comprehensive solution to the problem of hospital wastes, jointly with the Ministry of Health.

480. Nature conservation and cooperation: The aim is to consolidate the network of demarcated areas; promote local development of protected areas; and develop research and cooperation structures, particularly with less developed countries.

481. Coastline protection: The aim is to enhance and preserve the coastline and marine resources.

482. Education, participation and awareness-raising: Public knowledge of, and participation in, environmental issues need to be increased; the environmental component in education and vocational training systems needs to be strengthened by introducing subjects relating to the environment and formalizing the priority the Government assigns to public information, training and education in this field.

483. Policy measures: In this context, the measures to be implemented are myriad and diverse. Mention may be made of the following in the areas of:

(a) Water:

Infrastructure work on the basic sanitation plan;

Preparation of basin management plans;

Review of existing legislation;

Development of water-resource information systems.

(b) Waste collection and treatment:

Promotion of the urban waste-water treatment programme;

Consolidation of integrated waste collection and treatment systems in particularly sensitive areas (such as the Ave and Trancão rivers);

Establishment of more environmentally-friendly farming practices.

(c) Solid waste:

Recovery and closure of all rubbish dumps in the geographical areas covered by the systems;

Construction of new infrastructure (sanitary backfills, composting and incineration plants);

Updating of the industrial waste management plan.

(d) Nature conservation and cooperation:

Promotion of natural park projects;

Regulations for the new special protection zones;

Activities to promote the national network of "Natura 2000" sites;

Conclusion of contracts with local authorities and environmental protection associations for the management of new areas.

(e) Coastline conservation:

Continuation and/or conclusion of a broad series of activities to consolidate and protect more fragile coastal areas;

Finalization of various coastal management plans;

Preparation of a Coast Plan establishing the measures to be taken in coastal areas.

(f) Education, participation and awareness-raising:

Preparation of a White Paper on the environmental situation and continued preparation of the "State environment report";

Creation of the Environment Watch;

First fragmented results in the preparation of the "Environmental Code";

Incorporation into national legislation of various necessary standard-setting provisions;

Stabilization of the National Water Board;

Completion of the establishment of the central laboratories (certification functions) and the National Environmental Laboratories Network;

Creation of a network for the development of radiological protection;

Extension and simplification of public information and awareness mechanisms and public participation and consultation procedures, especially as regards environmental impact studies, through the creation of an "Environment Review", and use of more effective information media such as the Internet, in public consultation for the environmental impact studies;

Reorganization of the Institute for Promotion of the Environment (IPAMB) so as to consolidate the participation of civil society; review of the law governing environmental protection associations; creation of an eco-library network, preferably using existing infrastructure such as parks and natural reserves, for educational and information purposes;

Implementation of the protocols concluded with various ministries, with the participation of non-governmental organizations, concerning, inter alia, the introduction of environmental subjects in the education system, through support for a network of schools providing teacher-training in the environment field.

Consumer protection

484. Consumer protection should be mentioned in connection with article 11 of the Covenant inasmuch as it also concerns people's living conditions. A new legal regime for consumer protection was created through Act No. 24/96 of 31 July. The basic conditions for implementing a new policy in this area, have been established a policy that applies to the whole country and to the goods and services supplied by the public authorities. This is a more effective policy and constitutes an advance for the citizens and governmental circles involved. It attracts wider interest because the participation of civil society in the definition and application of consumer protection policy has been reinforced.

485. The policy options are as follows:

Protection of consumer rights and access to justice;

Promotion of consumer information and education;

Protection of consumer health and safety.

486. The policy measures are as follows:

Restructuring of the Consumer Institute, so as to make it more effective in practice;

Constitution and establishment of the National Consumer Council, a new organ for consultation and educational and preventive action;

Strengthening advertising supervising procedures by setting up an "advertising watchdog body";

Continuation of the work of the committee preparing the preliminary draft of the Code of Consumer Rights;

Publication of a compendium of consumer law;

Organization of a watchdog body for consumer disputes to identify and inventory the main areas in which consumer rights are infringed, to serve as a medium for safeguarding consumers' collective and general rights and interests before the courts, to file actions or interim-relief claims for measures to be taken for the cessation, suspension or prohibition of goods or services that may entail a risk to consumers' health, safety and economic interests;

Strengthening of economic supervision, in conjunction with the efforts of consumer protection bodies;

Organization of information campaigns on consumer rights as a whole, and protection in the fields of essential public services, consumer lending, product security and environmentally sound consumption in particular;

Support for the creation of municipal consumer information services;

Legal definition of the terms under which public radio and television must reserve slots for consumer information;

Development of resources for ensuring the functioning of the Security Commission established by Decree-Law No. 311/95 of 20 November;

Development of the dangerous products surveillance system, by promoting adequate warning systems.

ARTICLE 12

Health conditions in Portugal

487. Under Article 64 of the Constitution, "Everyone has the right to protection of his or her health and the duty to preserve and promote it". It is the Government's duty to guarantee this right by two means:

(a) The creation of economic, social and cultural conditions that guarantee the protection of children, the young and the old; the systematic improvement of living and working conditions; the promotion of physical fitness and sports in schools and among the public in general; and the development of public health education. Thus the State is required to establish an environment conducive to the development of good health for all. This also applies to non-nationals, who are on an equal footing with Portuguese nationals (Constitution, art. 15).

(b) A national health service (SNS) available to all and free of charge to the extent that economic and social conditions require.

488. The indicators presented provide an outline of the Portuguese population's health situation. By choosing indicators 24/ for various years (1985, 1990, 1995), it is possible to show trends. Figures 1, 2 and 3, showing potential years of life lost (1969-1994), also confirm the positive trend.

489. Portugal has obligations in the context of the World Health Organization's "health goals for all" and therefore submits regular reports on the country's health situation. The last report was submitted in 1995 and another is being prepared covering the period up to December 1996.

490. Very briefly, the current situation may be summarized as follows:

(a) Trends in life expectancy at birth have remained positive over the past 20 years; 25/

(b) Health indicators for women and for children under one continue to improve and are approaching European rates; 26/

(c) This trend is closely connected with the improvement that has taken place in socio-economic conditions in general (housing, length of education, basic sanitation, access to information, transport system), and the increase in human, material and financial resources devoted to health; 27/

(d) A number of demographic changes have taken place as a result of improvements in socio-economic conditions: for example, the ageing of the population, although this is also a result of the falling birth rate;

(e) Nevertheless, despite the overall improvements in Portuguese people's standard of living, inequalities still exist among the regions and, in all probability, among certain social groups. These inequalities show up in the variation in a number of health indicators, such as mortality rates (overall and infant mortality) and the number of inhabitants per health worker or per hospital;

(f) According to the National Health Survey (INS), the best health situation is found among the better educated (figure 4) and the more affluent (figure 5) socio-economic groups.

491. In conclusion, in terms of "potential years of life lost", there has been a clear overall improvement between the 1960s and 1994. Trends in behaviour-related illness are not as unequivocally positive, however, and trends in accidents appear to be negative.

492. Apart from these commitments to WHO goals, health policy, which is one of the State's priority action areas, is based on the following principles:

All citizens have equal access to health care, regardless of their financial circumstances;

Resources should be distributed equitably among the services;

Special care is provided for risk groups (children, young people, pregnant women, older persons, disabled persons, drug addicts and workers in dangerous jobs);

Health services and social security and welfare services should be coordinated;

Private initiative should be encouraged, particularly in social solidarity institutions;

Both individuals and communities should take part in health promotion activities;

The State undertakes to carry out scientific research and health personnel training.

493. The SNS, public and private bodies and health professionals (i.e. those contracted by the SNS as service providers) contribute to the attainment of these objectives. The SNS should be organized on a regional basis, with decentralized, participatory management.

494. Private initiatives should be supported by the State, under the guidance of the Ministry of Health. Profit-making private institutions should be subject to licence and to regulation by the Ministry. The signing of agreements between public services and private institutions should ensure

better health care for the general public. Independent health professionals are regulated by their professional associations and the Ministry of Health.

495. Beneficiaries have the right: to choose a service or care provider within the limits of the resources available; to accept or decline the care offered; and to be given appropriate, technically sound attention administered in a humane and conscientious fashion, with due respect for their privacy. They also have the right to confidentiality of personal data and to all information on their state of health. If they so wish, they also have the right to religious assistance. They may also form associations to work with the health system in promoting and safeguarding health.

496. However, beneficiaries have responsibilities as well. They must observe the rules governing the organization and operation of services and establishments, cooperate with health professionals with regard to their own health situation and pay the fees due for the health care provided.

497. Recently, in the face of serious challenges to the health system, the Ministry of Health prepared a document entitled "Health in Portugal - A strategy for the new century", which sets forth major measures for reform at the various levels (central, regional and institutional). The prime aim, however, is citizen-centred change.

498. The document states that Portugal's health policy is being developed in accordance with certain basic principles that must underpin the process of change. These principles are embodied in the following objeccives:

Invest in the development of the SNS (i.e. promote universal access, taking advantage of the extensive infrastructure networks throughout the country, by making health professionals accountable, refining the funding of the system and of the organization of care-providing services, etc.);

Ensure that health-system reform is based on a rigorous analysis of the factors that have influenced the system's development, and on a broad, searching examination of its development in the future. This reform will greatly influence the well-being of the Portuguese people and therefore requires careful thought and sound preparation;

Move beyond unthinking, one-dimensional, voluntarist models, take account of the changes in social systems and adopt a dynamic, interactive approach;

Embrace the idea that changes to the system must revolve around the individual and make sure that the various actors are involved in implementing the changes. Implementation should go beyond the boundaries of the "health sector", and make itself felt at the level of economic and social policy and at the interface between them;

It is important to bring home to the public the fact that any change starting now will inevitably be taking place in a less favourable environment than one carried out in the recent past, had that been possible;

Promote awareness of the fact that failure will result in fewer benefits and services being available to the public; the fact that it will be the least well-off who are hardest hit means that this will affect a significant portion of the population;

Adopt a balanced approach to the development of work, by trying to maximize coordination while continuing to take the necessary decisions and to explain clearly where they will lead; prepare and establish a framework for gradual medium and long-term development, without neglecting the rigour and timeliness of short-term activities, and externalize and deepen the understanding needed for action while continuing to act whenever a problem and its consequences are important enough to justify doing so.

499. These principles entail rethinking the future, devising a strategy for change and acting in those situations that require immediate attention, so as to create opportunities and refine the instruments needed for this change. The short and the long term must be integrated. In this approach, the Government takes the lead, as it should, setting out the main options for the development of the health system, defining working methods in order to carry out those options, and preparing, in timely fashion, the necessary legislative and regulatory instruments. The health authorities - central ministerial departments and regional authorities - will study the action plans and strategies, as well as the guidelines laid down in these instruments, and will take an active part in preparing the medium-term health strategy.

500. Lastly, all the bodies in which citizens are strongly represented and participate directly will of necessity be involved in health planning and promotion: hospital boards, local authorities, non-governmental organizations involved in health, users' and consumers' associations, trade unions, private service providers' associations and the contractual SNS sectors, as well as the education and research system.

501. With regard to the national budget, the percentage of the gross domestic product (GDP) allocated to health and the percentage of those resources put into primary health care are given in the table below, which relates to 1986, 1990 and 1995.

SNS budget	1986	1990	1995
Percentage of GDP	3.80	4.17	4.89
Primary health care (%)	54.4	46.6	46.4

Source: "Portugal Saúde", Department of Health Studies and Planning (DEPS), Ministry of Health, Lisbon, 1986, 1990, 1995.

502. Between 1986 and 1990 the percentage of GDP increased slightly (by 0.37 per cent), while in the last five years it has increased by 0.72 per cent. The percentage of the health budget allocated to primary care, however, fell considerably during the first period (7.8 per cent) and growth was almost zero in the second period (0.2 per cent), and so the situation

during the last five years was one of stagnation. The indicators are defined by WHO. It is not possible to give separate figures for urban and rural areas. Figures will be given by geographical region whenever possible:

(a) Infant mortality rate: table I shows life expectancy at birth for 1985, 1990 and 1995; table II shows infant mortality for 1985, 1990 and 1995; 28/

(b) Table V shows access to drinking water, by region;

(c) Table VI shows availability of adequate sewerage, by region;

(d) Table III shows children vaccinated against diphtheria, tetanus, whooping cough, polio, German measles and tuberculosis in mainland Portugal in 1995. These figures cannot be disaggregated by sex;

(e) Table IV shows the percentage of pregnant women having access to health personnel during pregnancy, and assisted deliveries, together with the 1995 maternal mortality rate for mainland Portugal;

(f) The percentage of newborns with access to health-worker care in Portugal is 98 per cent, according to data on the vaccination of children up to the age of one and consultations during the first month of life, in 1995 (Directorate-General of Health).

503. The indicators shown in the figures and tables in annex 14 reveal disparities in the health situation and in resource distribution. The less economically and socially well-off groups and the regions of the interior are the weakest points in the Portuguese health system in this respect.

504. It may be said that, in recent years, the health situation has markedly improved, while at the same time the disparities have narrowed. 29/ This is confirmed by analysis of the data available for earlier years in some of the aforementioned areas (figures 6-13, for example, outline some of the data for 1988 and clearly show that trends are positive in many respects).

505. One of the most important measures taken by Portugal in recent years has been the further regionalization and decentralization of health administration, in conjunction with a policy of investment at the regional and local levels (hospitals and health centres). Staff recruitment incentives are also being maintained. In terms of regionalization, according to the 1993 report of the National Commission on Women's and Children's Health, the Government has already taken a number of notable steps:

Designation of general and specialist perinatal hospitals;

Meeting the human-resource and equipment needs of these hospitals;

Setting the paediatric age limit at 18;

Guaranteeing the continuity of health care by health units;

Implementation of a health programme in various schools.

506. In order to improve all aspects of workplace and occupational hygiene, the Government has enacted two Decree-Laws: the first is Decree-Law No. 7/94 of 1 February, which "establishes the organizational regime and operation of safety, hygiene and health activities in the workplace"; the second is Decree-Law No. 191/95 of 28 July, which makes the legislation on the supervision of safety, hygiene and health in the workplace applicable to the State.

507. The following table shows trends in vaccination, which, in 1988, were positive:

Vaccination coverage in mainland Portugal (1988)

	0-12 months		12-23 months
Diphtheria, tetanus and whooping cough	Poliomyelitis	Tuberculosis	Measles 1/
94.3	93.06	90.6 2/	84.3

Source: "Elementos Estatísticos-Saúde 1995", Department of Health Studies and Planning (DEPS), Ministry of Health, Lisbon, March 1997.

1/ Including mumps and rubella.

2/ 1993.

508. Under Decree-Law No. 118/92 of 25 June (art. 3, para. 1) relating to special co-payment schemes, the co-payment on medicines for persons aged 65 or over was reduced: "The State co-payment on medicines in groups B (70 per cent State co-payment on the retail price of medicines) and C (40 per cent State co-payment) is increased by 15 per cent for pensioners whose pensions do not exceed the national minimum wage".

509. Portugal provides for community participation in primary health-care planning, organization, management and regulation at the hospital level (hospital board). From another perspective, the law provides for a National Health Board (not yet in operation), regional health boards (five) and municipal health commissions (five) composed of hospital and health centre directors, government health service managers, a local community representative, a representative of a private social solidarity institution and a person representing the interests of the public.

510. As regards health education, there is an action plan on primary health care, targeting the family and the community. The focal points are health centres, schools and the community. One of the activities carried out by the health centres is providing health information to the general public. This is done by teams of specialists (doctors, nurses and social workers) during consultations and when dealing with the public.

511. The following means are used:

Meetings on disease prevention, precautions to be taken when handling food, most balanced way of taking medicines, etc.;

Brochures containing the same information for users;

Specific consultations for special groups such as pregnant women, diabetics, the elderly, children or adolescents, given by specialists;

Action in support of certain risk groups by outreach social workers;

Help in the home given by nurses, etc.

512. In schools the Ministry of Health and the Ministry of Education are running a joint project entitled "Schools as health promoters". The project has initially been implemented in a limited number of schools and also involves students' parents and local communities. Another form of action is the oral and dental health programme, which is aimed at preventing dental decay among school children. Other specific projects are being run by a number of institutions which play a central role in the community, providing help and information to drug addicts, alcoholics, homeless persons, smokers, diabetics, haemophiliacs, etc.

513. Since 1986, Portugal has been in receipt of European Union subsidies for investment in hospitals and health centres (European Regional Development Fund - around 75 per cent) and training (European Social Fund - also around 75 per cent).

ARTICLE 13

514. Article 74 of the Constitution guarantees the right to education. This area is a priority of the current Government, which has established as its guiding principles in education policy (a) education for all, (b) quality and equity, (c) accountability, and (d) participation and negotiation (for policy objectives, see E/1990/6/Add.6, para. 741).

I. EDUCATION POLICY IN PORTUGAL

A. The Portuguese education system

515. The Portuguese education system is divided into three distinct subsystems, each with its own aims. 30/

Pre-school education, which complements and supplements upbringing in the home and operates in close conjunction with the family;

School or formal education, which provides primary, secondary and higher education, as well as special education, including leisure activities;

Extramural education, which takes place in an open-ended framework of multiple formal and non-formal initiatives, with the aim of supplementing earlier schooling and/or filling gaps and remedying deficiencies.

For a more detailed description of the Portuguese education system, see document E/1990/6/Add.6, paragraphs 743-750 and 815-872.

516. As well as the three subsystems, there are a number of specialized types of schooling:

Special education, for students with special educational needs in primary or secondary schools;

Vocational training, which aims at integration into working life through the acquisition of specialized knowledge and skills. Vocational training takes place in training colleges and lasts three years;

Further adult education, which is offered in the framework of an education policy that aims to enable persons over normal school age to obtain a primary or secondary education. Primary education is open to those aged over 15 and secondary education to those aged over 18;

Distance learning, which comprises a range of means, methods and techniques providing adult education on a self-study basis. The main distance-learning institution is the Open University. In addition, computer-based primary teaching provides distance learning for children;

Portuguese language teaching abroad, which aims to promote Portuguese language and cultural studies in other countries. A primary objective is the inclusion of Portuguese studies in other countries' curricula at the three levels of primary and secondary education.

517. Extramural education is offered in a context of continuing education and further training and enables each individual to enhance his or her knowledge and potential, by supplementing the schooling already received or filling gaps due to a lack of schooling. It is offered in the following areas:

Literacy and primary schooling for adults (for further information and programmes in this category, see E/1990/6/Add.6, paras. 881-907);

Re-training or job skills enhancement;

Development of technical skills and know-how;

Creative use of leisure time.

B. New legislation relating to education

518. The following legislation is new:

Act No. 38/94 of 21 November, which establishes the bases for the system of quality evaluation and for monitoring the

development of institutions of higher education, whether public or private, universities or polytechnics;

Decree-Law No. 173/95 of 20 July, which establishes a number of mechanisms to promote the founding and maintenance of pre-school education establishments;

Decree-Law No. 28-B/96 supplement of 4 April, and Decree-Law No. 75/97 of 3 April, which regulate access to higher education;

Act No. 5/97 of 10 February, which establishes framework legislation for pre-school education;

Decree-Law No. 147/97 of 11 June, which establishes the legal framework for the development and expansion of pre-school education;

Order No. 22/SEEI/96 of 19 June, on alternative curricula;

Order No. 147/B/ME/96 of 8 July, and joint order No. 73/SEAE/SEEI/96 of 10 July, on educational districts for priority action.

C. Education plans and programmes

(a) The Government's programme

519. In pre-school education, the programme aims to: formulate a concerted plan to extend the country's pre-school education system with quality standards; involve local authorities in the process and in the operation of the plan; and encourage private initiatives and cooperative ventures at the local level, without prejudice to the State's regulatory function.

520. In compulsory education, the programme: focuses particularly on the primary level and its coordination with pre-school education; aims at the effective completion of nine years of compulsory schooling; strengthens the pre-work training initiatives for young people who have dropped out of school without a qualification for entry to job training, by introducing, for example, alternative curricula and educational districts for priority action - groups of schools carrying out integrated projects that aim to improve the quality of education and promote innovation; implements Joint Decree No. 105/97 on educational support - use of human and material resources in and by schools in the pursuit of quality education; this Decree also applies to secondary education.

521. In secondary education, the government programme: aims to ensure that all syllabus choices lead to the completion of education, by linking them with general and specialized training appropriate to the further studies and the commencement of employment; coordinates the choices that may be made at this level of education, by establishing a tripartite coordinating body (Government, employers' associations and trade unions); provides training for a recognized occupational qualification for young people who have a diploma of secondary education but are not eligible for higher education.

522. In higher education, 31/ the programme aims to:

Boost government efforts to respond to the country's development needs by establishing levels of qualification compatible with European structures, encouraging the attainment of higher qualifications, investing in quality and competitiveness, and encouraging the gradual internationalization of the higher education system;

Expand the capacity of higher education and provide a wider range of options by improving the admission capacity of the State sector and guaranteeing freedom of choice between State institutions and officially recognized private institutions, and by reforming the system of access to higher education;

Strengthen and extend the autonomy of universities and polytechnic.

(b) The Agreement on Education for the Future

523. The text of this Agreement, which was proposed to the various parties involved in education by the Minister of Education, was published in May 1996. The negotiation of the Agreement follows on from general measures contained in the Government's programme, which are vital to the improvement of education. The approaches and choices it puts forward are intended to be comprehensively discussed, on as decentralized a basis as possible, and negotiated and agreed by all the major participants in the educational process. The objectives set forth in the Agreement, which are presented as proposals for a full, broad-based discussion, include the following: parental involvement; improving the image and educational role of the school; development, independence and accountability in teaching establishments; career enhancement for teachers and non-teachers.

D. Current and planned reforms

(a) Recent trends and current reforms

524. Structural reforms have begun in Portugal's education system, as established under the Framework Act on Education (Act No. 46/86 of 14 October). A basic aspect of educational reform has been the subject areas and their syllabuses. The syllabuses were implemented on an experimental basis in the first year of the first cycle of compulsory education during the school year 1989/90 and were gradually developed over the following years. The reform in secondary education was implemented throughout the system in the school year 1995/96.

525. In both primary and secondary education, the educational options underpinning the structure of the subject syllabuses incorporated the following overall objectives:

Prioritizing the teaching/learning of Portuguese, with the aim of making all children's mother tongue the basis for their cultural identity;

Prioritizing personal and social development, with the aim of ensuring that young people are given civic and moral training through personal

and social training programmes that include personal and social development as a subject (as opposed to Catholic or other moral and religious education as a subject);

Adoption of a cross-disciplinary, integrated approach in order to integrate the knowledge and skills developed by each subject, in contrast to their traditional separation;

Introduction of optional supplementary programmes of a recreational and cultural nature, in order to encourage students to use their free time in creative, educational ways;

Adoption of an assessment system that provides an incentive to educational success for all students, boosts their self-confidence, and takes account of varying rates of development and progress;

Cross-disciplinary courses, comprising occupational and social training with emphasis on the human element of work and the mother tongue;

Applied learning, which is a compulsory, non-subject-specific set of activities that take place throughout the years of schooling in both primary and secondary education. The intention is basically to put student's knowledge into practice by means of cross-disciplinary activities, school-home linkage, and personal and social training;

Personal and social development, which is, as already stated, one of the priority aims of education, from the first year to the twelfth;

Supplementary programmes, which are activities aimed at promoting students' self-fulfilment, both in personal terms and within the community, through development of the personality. The programmes comprise a range of activities centring around cultural and civic enrichment, physical education, sports, artistic education and the integration of students into the community;

In accordance with Ministerial Order No. 104/89 of 16 November, the moral and religious teachings of faiths other than Catholicism that exist in Portugal were introduced on an experimental basis in a number of State schools in the second and third cycles of primary and secondary education. The experimental phase has now been completed and the regulations to extend the project throughout the system are under preparation.

526. An institution of particular importance in the field of educational policy design is the Institute for Innovation in Education, established under Decree-Law No. 142/93 of 26 April. The Institute's function is to promote scientific and technical research in the areas of syllabus development and the structure of the education system, to help promote innovation in education, to devise and coordinate projects to improve the quality of teaching and learning, and to promote evaluation of the education system.

(b) Reforms under preparation

Pre-school education

527. A strategy document has been prepared that will form the basis for negotiations with local authorities, private and cooperative teaching institutions, and private social solidarity institutions, in the light of the plan for developing the national pre-school education system. At the same time, with a view to the expansion of the national system, 542 nursery schools have been established in several parts of the country and opened in the school year 1996/97, thereby creating 779 new teaching posts (Order No. 17-C/96 of 26 January).

528. According to Decree-Law No. 147/97 of 11 June, which sets forth the legal framework for the development and expansion of the national pre-school education system and defines its structure and operation, the aim is to provide pre-school education to 90 per cent of five-year-olds, 75 per cent of four-year-olds and 76 per cent of three-year-olds by the end of the century, offering 45,000 new places through public-sector investment. Attainment of this objective will require additional public investment of 20 billion escudos by 1999 - 6 billion in infrastructure and 14 billion in equipment and staff, which represents an increase of 100 per cent in public expenditure on pre-school education. This new legal framework (forming a single national system to replace the former public and private systems) is the outcome of efforts to coordinate the two bodies responsible for pre-school education (Ministry of Education and Ministry of Solidarity and Social Security) and aims at universal pre-school coverage.

Transfer of powers in the area of education to local authorities

529. Negotiations have begun with the National Association of Local Authorities, with the aim of transferring a number of powers to the local authorities in the areas of pre-school and primary education. The objective is to give greater independence to primary and secondary schools by making it possible for them to take on additional responsibilities in the internal organization of schools with the help of available local resources. New legal arrangements are also expected to be put in place during the school year 1998/99 regulating schools' autonomy and management and the gradual decentralization of educational administration at the regional and local levels.

Education in the arts

530. The educational grounding of the Portuguese population in the arts and the training of professionals in the arts sector constitute an area of concern for the Government. Measures are being prepared for joint action by the educational and cultural sectors aimed at: strengthening the general artistic education provided by schools with the help of special arrangements for cultural education, and the development of taste and a critical ability in the arts; and promoting specialist training for work in music, theatre, dance, the plastic arts and other fields.

Vocational training institutions

531. With the recent completion of a comprehensive external evaluation of vocational training institutions, measures are being prepared with three major objectives in mind: to give a new impetus to vocational training; to support vocational training institutions; and to revise the current model of funding in order to make the process more stable.

Educational Development Programme for Portugal (PRODEP)

532. This programme is described in document E/1990/6/Add.6 (paras. 754 et seq.).

Groups and qualifications required for teachers in primary and secondary education

533. The legal framework for the groups and qualifications required in order to teach is currently under review; a new bill on the subject is being considered by the National Education Board.

Access to higher education

534. Without prejudice to any reforms that may be made with regard to requirements for admission to higher education establishments, temporary regulations relating to access to higher education were approved under Decree-Law No. 28-B/96 of 4 April and were readjusted under Decree-Law No. 75/97 of 3 April. These represent a stopgap measure aimed at improving the current system by simplifying it and bringing it into line with the new secondary education curriculum structure and evaluation system. The main features of the system that has been adopted are as follows:

Candidates for higher education must have a secondary education diploma or its equivalent. Any course of secondary education gives access to any course of higher education;

Candidates for any higher education course must demonstrate their ability to follow the course; they must sit national examinations in specific subjects selected by the higher education establishments; these subject-specific examinations constitute the national secondary education examinations;

These regulations apply equally to public, private and cooperative higher education.

Construction of schools

535. Work has begun on building, enlarging and replacing schools. This work was due to be completed by the school year 1996/97, so as to rectify the quantitative and qualitative deficiencies in the school system. Emergency measures have been taken after evaluation of the situation as regards sports buildings already constructed and due to be constructed in the context of the Sports 2000 programme, which was launched in December 1994.

Inspectorate-General of Education

536. Act No. 18/96 of 20 June amended the Inspectorate-General of Education (Organization) Act (Decree-Law No. 271/95 of 23 October). The Act defines the Inspectorate-General's powers more fully, organizes it in a more appropriate way, and establishes a staff statute consistent with inspection activities. The restructuring focuses on the monitoring and substantive activities that are integral to the work of an educational quality control body.

School libraries and public reading network

537. A review of policy on school libraries and the public reading network is currently under way. Policies to encourage the use of books in teaching and in the school timetable, and public reading in a broader context of support for school activities, are to be implemented.

E. Statistical data

538. Drop-out rates in primary and secondary education: in 1991, according to figures from the census, 22 per cent of young people aged between 15 and 24 had dropped out of the education system without completing their compulsory schooling, which at that time lasted six years. Provisional figures for 1994 show a decline in drop-out rates after the curriculum reform and the introduction of a new assessment system.

539. Repetition of years: there was also a decline in the repetition rate between 1990 and 1994. According to the existing statistical data, the rate is higher among students from ethnic and cultural minorities at all levels of education.

540. The financing of education: according to a breakdown of Ministry of Education expenditure, there has been a steady increase in annual investment in education as a percentage of GDP (mainland Portugal), which was 5.1 per cent in 1994, 5.2 per cent in 1995, 5.3 per cent in 1996 and 5.5 per cent in 1997.

II. SCIENCE AND TECHNOLOGY POLICIES

541. One innovation made by the thirteenth constitutional Government with regard to science and scientific research was the establishment of a Ministry of Science and Technology, which is responsible, inter alia, for promoting advanced scientific research, strengthening recognized scientific institutions, creating independent facilities for science policy evaluation and follow-up, and promoting international collaboration.

542. The Ministry's organization act, ratified by Decree-Law No. 144/96 of 26 August, aims to update the institutional framework of Portugal's science and technology policy in the light of: the recent expansion and diversification of the country's scientific and technological potential; the increasing internationalization of scientific systems, for example in the European Union; and awareness of the increased importance of the spread of scientific and technological culture in social and economic life and for citizens of a modern State.

(a) The Ministry of Science and Technology on the Internet

543. The Ministry of Science and Technology (MCT) has set up a Website 32/ on the Internet, where information may be found on:

Government activity in science and technology;

A regular report (every 100 days) on MCT activities;

Legal and administrative documents originating from MCT;

Agreements concluded with other bodies;

Science and technology budget;

Press releases on MCT activities;

Competitions;

International cooperation;

Calendar of scientific meetings;

Standing forum on science and technology policy;

Science and technology statistics;

Science and technology ministries and bodies in other countries.

(b) Activities of the Ministry of Science and Technology

544. A working group - the Commission on the Establishment of the Science and Technology Observatory - was set up under Decree No. 13/MCT 96 (Official Gazette 79, second series, of 2 April). The basic objectives of the Observatory will be to gather, process and analyse information on the country's science and technology network and scientific and technological information derived from international sources.

545. The Ministry of Science and Technology (Organization) Act created a new organizational structure for the Ministry by establishing three autonomous bodies under its auspices: the Foundation for Science and Technology, the Science and Technology Observatory, and the Institute for International Scientific and Technological Cooperation. The first of these is chiefly responsible for finance and evaluation, and the second for gathering, processing and disseminating scientific and technological information. The Institute was established with a view to the internationalization of Portugal's scientific system.

546. Decree-Law No. 146/96 of 26 August established specialized science colleges with the aim of bringing together in the same institution teachers and researchers working in the same discipline. The purpose of the colleges is to give the scientific community an adequate opportunity to participate in defining and monitoring scientific and technological policy.

547. A new programme (Life Sciences Programme), which aims to develop the experimental teaching of sciences in primary and secondary education, has been set up in close collaboration with the Ministry of Education. This initiative constitutes an effort to combat cultural and scientific illiteracy. Until 30 September 1996, schools, universities, student associations and businesses, inter alia, submitted applications to establish experimental science teaching activities. A budgetary item has been established within the Ministry of Science and Technology for this purpose.

548. An information campaign entitled "Astronomy on the beach" was conducted during August 1996 on the joint initiative of the MCT, the Lisbon University Science Museum, and amateur astronomy societies and groups. The idea was to give Portuguese people who were spending their summer holidays by the sea their first taste of astronomy, with the help of amateur astronomers. The campaign was a huge success (with around 100,000 participants), and the MCT subsequently announced that it would support science-based associations and other similar initiatives in other fields of knowledge.

549. A series of conferences is being organized as one of the MCT's priorities: to promote scientific culture in various ways. The aim is to help explain and disseminate scientific thinking, by showing just how science is constructed. Science in all its aspects, reproduces data from everyday experience, but in a different way: scientists form groups similar to other human groups, but the rules by which scientific communities operate attest to the existence of rigorous specific requirements. The same thing happens with other aspects of science: we are continually making observations, we form hypotheses, we are asked to prove our statements, we use instruments, etc. But what characterizes science is the imposition of additional constraints on each of these operations.

550. The aim of these conferences is thus to investigate these constraints, which have been grouped into around 10 aspects of scientific method, in order to reach a better understanding of scientific thought. These aspects are: scientific communities, the subject of science and scientific objectivity, scientific language, observation and visualization, scientific instrumentation, hypothesis and theory formulation, demonstration and experimentation, scientific proof and the publicizing of discoveries. This programme, which is due to run until 30 January 1998, will be the subject of a textbook written specially for secondary-level teachers and students.

551. On 24 July 1996, in Paris, the Minister for Foreign Affairs and the Minister for Science and Technology signed a cooperation agreement with the European Space Agency (ESA). This is a general agreement establishing a time-frame and plan for Portugal's full membership of ESA. However, it paves the way for the immediate signature of specific agreements on participation by Portuguese research companies and institutions in a number of the Agency's operational programmes. One such programme is the Global Navigation Satellite System (GNSS), a joint project of ESA, the European Organization for the Safety of Air Navigation (EUROCONTROL) and the European Commission, for which 11 Portuguese research companies and laboratories have been selected. The Portuguese State's financial contribution (to ESA) amounts to around 1 million ecus (around 200 million escudos) in the first year for a programme that should last three more years at the same level of financing.

(c) The financial resources of the Ministry of Science and Technology

552. The budget allocation for MCT increased in 1996 from 19.6 million to 26 million escudos. This was the biggest rise in percentage terms in the 1996 budget. The amounts for some 300 MCT-funded research units almost tripled (from 1.5 million to 4 million escudos).

ARTICLE 15

Points from the programme of the thirteenth Government of Portugal

553. Given the date on which Portugal submitted its most recent report, the contribution of the Ministry of Culture 33/ begins at the point when the current Government (the thirteenth constitutional Government), which was formed after the parliamentary elections of 1 October 1995, took office on 28 October 1995.

554. Since Portugal submitted its second report, no constitutional amendment has been enacted, which means that the legal framework for executive action and activities by citizens has not changed at this level. The policy programme of the thirteenth constitutional Government is therefore based on the same version of the Constitution. According to this policy programme document, published by the Parliament that approved it, government intervention in the cultural domain shall be based on the fundamental principle that the creation and enjoyment of culture are fundamental rights of citizens and important elements in the quality of life. Such intervention has thus been accorded a high priority in terms of the State's obligations. The immediate announcement of the reinstatement of the Ministry of Culture was the first practical signal of the priority accorded to culture.

555. The document also points out that the State cannot and must not monopolize cultural life but is rather under a strict obligation to respect, facilitate and stimulate the manifold and varied cultural initiatives that emerge within civil society. More specifically, the government programme stipulates that the policy of the Ministry of Culture shall rest on five basic pillars: democratization, decentralization, internationalization, professionalization and reorganization.

556. Democratization is based on an extension of citizens' access to cultural events, the introduction of a cultural "laissez-passer", support for the dissemination of multimedia products, close cooperation with the Ministry of Education (with the aim of reinforcing education in art and other subjects that raise cultural awareness), policy coordination with the Department of Social Communication (in order to ensure the fulfilment of the cultural obligations of the public radio and television services) and, lastly, the establishment of a category of tax-deductible cultural expenses.

557. Decentralization is achieved through a broadening of cooperation with local communities and cultural institutions by providing support and encouragement for independent initiatives, establishing regional branches of national institutions and requiring a significant portion of artistic projects that are directly or indirectly financed by the State to be taken on tour.

558. Internationalization has its roots in a view of culture as a medium for the construction and affirmation of a national identity and manifests itself - in the form of a joint policy with the foreign affairs, education, tourism and foreign trade sectors - through a global strategy to defend the Portuguese language, increasing participation by the leading artistic institutions in European cultural production and distribution networks (inter alia, through the promotion of forms of co-production) and backing for the promotion of Portuguese culture and cultural figures abroad.

559. Professionalization takes the form mainly of support for cultural projects with a significant emphasis on education and training, for the development of technical and professional further training and retraining programmes, and for the establishment of vocational training courses for young, newly qualified people. The aim is to build up increasingly specialized support capability in a given sector, backed by continuously developing technologies.

560. Lastly, reorganization implies decentralization of institutions into a network of lean, flexible organizations, prioritizing professional specialization as a qualification for management posts in cultural institutions, reinforcing transparency and rigour in the relations between the State and its partners and in cultural initiatives, and giving preference to investment in policies that create well-established, lasting infrastructures even though their profitability may only become apparent in the medium term.

561. The Ministry of Culture (Organization) Act instituting these basic principles was published on 7 May 1996 under Decree-Law No. 42/96. In its preamble, the Act refers to the possibility of the Ministry retaining direct control over a small nucleus of services - the General Secretariat, the delegations of the Northern, Central, Alentejo and Algarve regions, the Office of International Relations, the Inspectorate-General of Cultural Activities and the Copyright Office - which will provide technical and administrative support. It has also been decided to make the other organizations - 19 in number - public corporations with a degree of autonomy. At the same time, five bodies were established to support and advise the Minister of Culture - the National Board of Culture, the Libraries Board, the Archives Board, the National Copyright Board and the Performance Classification Commission. Of the other 19 organizations mentioned, which form the basis of the Ministry's policy, a number have not changed significantly (for example, the Cultural Development Fund, the Portuguese Museums Institute, the Portuguese Cinemathèque and Museum of the Cinema, the Portuguese Institute of Cinematographic and Audiovisual Arts, the National Archives Institute (*Torre do Tombo*), and the three academic institutions - the Portuguese Academy of History, the National Academy of Art and the International Academy of Portuguese Culture - which receive technical, administrative and financial support from the Ministry of Culture without prejudice to their complete scientific and cultural independence). A large number are the product of the independence granted to sectors that had previously been subsumed into larger organizations (for example, the Portuguese Architectural Heritage Institute and the Portuguese Archaeological Institute, the National Library, and the Portuguese Book and Library Institute, the Donna Maria II National Theatre and the São João National Theatre). Still others are virtually new organizations

(for example, the Institute of Contemporary Art, the Portuguese Centre for Photography, the Portuguese Institute of Performing Arts, the National Ballet and the Porto National Orchestra).

562. Action by the Ministry of Culture is not, however, confined to the activities of its constituent organizations. It is important to note the support and collaboration it provides to other institutions with a different status. These include the São Carlos Foundation, the Discovery Foundation and the Arpad Szènes-Vieira da Silva Foundation, as well as support for Portuguese business this year at the Frankfurt Fair (where Portugal is the theme country) and EXPO 98. In addition, mention should be made of the support provided to the Portuguese Writers' Association and the National Cultural Centre, which, despite the fact that their institutional weight is not comparable with that of the other bodies mentioned, have a tradition that renders them virtually irreplaceable; and support for the leading theatre and dance companies and for the establishment of a network of regional orchestras.

Support for cultural institutions in 1995 and provisional estimates for 1996

	Amount allocated in 1995 (thousands of escudos)	Amount allocated in 1996 (provisional) (thousands of escudos)
São Carlos Foundation	1 172 996	1 265 000
Discovery Foundation	3 041 000	2 046 140*
Serralves Foundation	225 501	347 000
Arpad Szènes/Vieira da Silva Foundation	100 000	150 000

* Does not include direct contributions from the community.

563. In order to give an idea of the extent and level of Ministry of Culture intervention, mention should be made of the definitive data for 1995. In that year, the Ministry spent 28.2 billion escudos, a figure that includes the State's budget allocation, earnings from certain Ministry organizations and community contributions to a number of investment programmes. This represented 0.18 per cent of the estimated GDP for that year and is practically equal to the entire cultural expenditure of the municipalities.

564. Mention should be made of the main areas of culture where - in line with the recommended UNESCO classification, adjusted for Portugal - the Ministry of Culture is traditionally active. The order used in previous reports should be followed, particularly since specific reference is made to a number of those reports. To summarize, and in order to give an indication of the final amount of its allocations, the Ministry of Culture's overall expenditure in 1995 was divided among the following activities:

Expenditure by cultural activity
(thousands of escudos)

		Percentage
National monuments	4 608 605	16.3
Performing arts	4 339 818	15.4
Museums	3 529 221	12.5
General cultural administration	3 478 140	12.2
Sociocultural activities	3 416 817	12.1
Cinema, audiovisual and photography	2 855 290	10.1
Archives	2 280 362	8.1
Books and reading	2 033 137	7.2
Music	765 157	2.7
Other forms of cultural heritage	585 334	2.1
Archaeology	332 017	1.2
Plastic arts	17 576	0.1
TOTAL:	28 241 474	100.0

A. National monuments and other aspects of the cultural and archaeological heritage

565. Two particularly important legislative initiatives should be stressed in this connection: the local development initiatives programme (the regulations for which were approved by Council of Ministers Decision No. 57/95 of 18 May), and the regulations on underwater archaeological excavations (approved by Order No. 568/95 of 16 June).

566. The purpose of the local development initiatives programme, initiated in response to concerns expressed on the matter by the Community (which were also voiced at the European Summit of June 1993 in Copenhagen and the Corfu Summit of 1994, at which Portugal presented a paper entitled "The local dimension of the domestic market: a new synergistic force"), is to stimulate and support local development, particularly by promoting traditional arts and crafts and by involving local communities in economic and social terms. It includes incentives for developing traditional forms of production, rural development activities and pilot demonstration projects, from which public or private entities which meet pre-established requirements may benefit.

567. The programme's activities vary widely: social support services (child care, recreation, and specific programmes for young, older and disabled people); tourism and leisure; culturally-oriented activities (protection and restoration of cultural and historical heritage, organization of performances); recreational activities and sports; games and similar activities; urban renewal and building safety; transport and the environment; and support for local Communities and firms. The craft industry is considered to be the production of objects by means of traditional arts and crafts, which are highly labour-intensive, of high-quality, faithful to traditional processes and characteristics, and recognized as such by the Employment and Vocational Training Institute (or by an entity authorized by the Institute). The programme's benefits may take the form of grants-in-aid or the payment of interest on loans.

568. Two pilot demonstration projects have been planned for the immediate future within the framework of the programme (development of northern Alentejo and the integrated development of the banks of the River Guadiana). As the programme is targeted particularly at rural areas, it includes the Community's "Leader" initiative, as well as the rehabilitation and revitalization of rural centres. The latter measure follows the programme for the rehabilitation of Portugal's historic villages, whose regulations for the Inner Beira region were approved the previous year.

569. The objective of the regulations on underwater archaeological excavations is more specific. Approved by Order No. 568/95 of 16 June, they are primarily concerned with State property (albeit subject to claims), the classification of goods, and authorization of exploratory and recovery activities on the basis of competitive bidding. The regulations are crucial in a country like Portugal with its long coastline.

570. As part of this broad domain of cultural activity, the recent opening of the National Motion Picture Archives should also be mentioned. Under the auspices of the Portuguese Cinemathèque/Museum of the Cinema, it will enable films and documents to be conserved and made universally accessible, in a spirit of complete transparency and openness, and certainly at less cost than any other alternative. The government programme for strengthening this area calls for expediting and rationalizing the inventory of the nation's film heritage, and for reorganizing and giving institutional autonomy to the departments of the Ministry of Culture responsible for archaeology and for conservation and restoration (the latter in conjunction with the new University of Lisbon).

571. Also noteworthy are the activities of the Torre do Tombo National Archives Institute relating to heritage preservation in the form of archives, particularly the adoption of legal and technical measures on document management, in close cooperation with the departments that generate documents, and also monitoring of a plan for setting up and organizing district archives.

572. Act No. 13/85 of 8 July, the basic law for Portugal's cultural heritage, envisages and calls for the continuing participation of citizens and institutions in the recovery and safeguarding of that heritage, for example through classification (as national monuments, buildings of public interest and valuable municipal properties), which can be initiated, by any citizen. Such initiative is encouraged.

B. Performing arts

573. The Portuguese State has a tradition of supporting the arts, albeit to varying degrees. Where opera is concerned, the State directly manages the country's only opera house, but for dance and theatre the autonomous involvement of specific cultural institutions is the rule, the State's role being limited to providing support of a primarily financial nature. However, this support should not be seen as a form of cultural interventionism. Even in the case of the São Carlos National Theatre or the Donna Maria II National Theatre which are directly subordinate to the Ministry of Culture, the total

autonomy of the institutions is definitely the rule. Despite this aid, State-supported professional theatre has never ceased to live up to the label of "independent theatre" which the public has given it.

574. The thirteenth Government has made some amendments to the regulations concerning support of the performing arts.

575. In the field of theatre, these changes have been instituted through Ministerial Order No. 43/96 of 9 October, which was the result of intense dialogue with independent theatre professionals, and through the creation of the future Institute of Performing Arts, which will be responsible for formulating and implementing State policy. The underlying premise is the realistic notion that the State will be unable to finance national theatre productions in their entirety, which means that rigorous criteria will have to be adopted for selecting projects for support. This selection will be done through auditions open to the public, judged by a mixed-composition jury (made up of specialists from the Ministry and outside celebrities of recognized technical and artistic talent).

576. However, in recognition of the legitimacy of the professional theatre companies which have long staged productions for the public, such companies are allowed to conclude contracts directly with the State, without audition, as government-regulated companies. Recourse to multi-annual contracts has been expanded: in the case of government-regulated companies, they cover a three-year period, during which the State guarantees its partners a certain level of support. Access to State support for selected productions has been made easier, and the annual auditions are held in two parts, every six months, a large proportion of the funds being set aside for directors under 30 years of age. Special care is taken to include projects in geographical areas where cultural and artistic resources are lacking, regardless of the projects' intrinsic artistic value. There is explicit provision for support for children's theatre and marionette shows.

577. The main theatrical institution directly attached to the Ministry of Culture is the Donna Maria II National Theatre. With audiences totalling more than 50,000 in 1995 (40,000 at evening performances and 11,000 at matinees), it alone accounts for 15 per cent of all theatre-goers. This figure also represents a 56.7 per cent increase for the period 1994-95, which is particularly significant because it runs totally counter to the general national trend for the same period.

578. The first-ever regulations on support for the creation and production of professional choreography originating outside the Government were approved on 21 November 1996 by Ministerial Order No. 51/96, in accordance with the same principles. Multi-annual support procedures and the creation of a government-regulated structure are also planned, in accordance with the same principles of protection of young creative artists and first works.

579. In addition to these initiatives, the concern of the Ministry of Culture to increase audiences should also be stressed. This involves publicity campaigns for the major productions in the various media, the celebration of international days, when admission to performances is generally free, and days when, as in the cinema, theatre tickets are reduced to a single standard

price. This measure is aimed specifically at promoting public access to culture and thus to cultural enrichment on an absolutely equal footing, and at improving people's quality of life.

580. The number of venues staging performances open to the public grew considerably (+28.4 per cent) during the period 1994/95, to a total of 321. At the same time, the number of performances also increased. However, the most dynamic growth was reported for evening performances, as the following table indicates:

	1993	1994	D93/94	1995	D94/95
Number of matinees	77 583	75 884	-2.2%	86 142	13 5%
Number of evening performances	56 374	54 044	-4.1%	64 503	19.4%
TOTAL	133 957	129 928	-3.0%	150 645	15.9%

Overall, audiences numbered 8.3 million (3.6 million at matinees and 4.7 million at evening performances) in 1995, but the average of one performance per inhabitant per year was not reached.

C. Museums and palaces

581. There have been no major legislative initiatives in this field. The effort to modernize facilities and administrative services (especially in the area of information technology, for ticket offices) and attract new audiences is worthy of note. This has been accomplished thanks to the renovation of collections, a very dynamic policy on the organization of temporary exhibitions, and the continuing privileged relationship with schools (traditional organization of guided tours). Similarly, conditions of access for disabled people have been improved, as have facilities within the buildings, with special toilets and other installations, even in those museums that have not undergone major renovations.

582. The admission charge policy is in conformity with this objective, with lower prices for young and older people, students and groups. In this connection Portugal is still keeping to the tradition of setting a day on which admission to all museums is free, thereby guaranteeing everyone, regardless of their means, access to the works of art contained in them.

583. There were almost 8.7 million museum visitors in 1995, 4.8 per cent more than the previous year. However, the numbers of group and individual visitors were very different: an increase of 700,000 for the former and a decrease of 300,000 for the latter.

584. The number of visits made in connection with the activities undertaken directly by institutions subordinate to the Ministry of Culture accounts for more than 40 per cent of the total number of visits. 34/

D. General management

585. The role of the Ministry of Culture in this context, other than to maintain its own operating structure (ministerial councils, central support services, regional delegations, various advisory councils), is to ensure the adequacy and implementation of the general legislation in force, and particularly legislation relating to the authorization of premises and performances and proper supervision, which is always essential. This is quite an ambitious and complex undertaking, especially in view of the technological innovations being introduced at breathtaking speed.

586. Stress should also be laid on the publication, in Decree-Law No. 315/95 of 28 November, of new regulations relating to the installation and functioning of performance venues, as well as a new legal regime governing artistic performances.

587. The underlying principle of this Decree-Law was to keep under State supervision those venues requiring monitoring in order to ensure the payment of royalties and related fees, and to turn all other venues over to local communities, without increasing their operating costs (given that they already had the obligation to grant them the necessary authorization). The concern of the law, as stated in the preamble to the Decree-Law, has always been limited to the "difficult task of eliminating bureaucracy while at the same time ensuring safety".

588. This is an important step towards administrative decentralization, comprising the transfer to local communities of powers which, precisely because those communities are closer to the people, they will be better placed to exercise. The climate of openness and dialogue which the Ministry of Culture has sought to establish with the various artistic associations should also be stressed. As a result of this policy, their wishes and views are heard, they can participate in working groups, they can be invited to become members of selection juries, and they receive various forms of support. In addition, widespread use is made of new technologies, including the sending of messages via the Internet. There has also been active participation in international forums, particularly the European Union, and the Portuguese Government generally adopts their various recommendations.

E. Sociocultural activities

589. This constitutes a residual and a multifaceted field, and encompasses those initiatives and obligations of the Ministry of Culture which go beyond the strict limits of each of the fields traditionally thought of as cultural. It includes the support provided by the Ministry of Culture to the large foundations - the Discovery Foundation in Lisbon and the Serralves Foundation in Porto, as well as major events, such as Lisbon 94: European Cultural Capital (in the recent past) and EXPO 98. And it is in this context that grants for cultural merit are made.

590. As to the Discovery Foundation, which is responsible for managing the Belém Cultural Centre, the amount of State investment is substantial (more than 3 billion escudos in 1995), and there is a continuing policy of fostering cultural habits and public loyalty. The Belém Cultural Centre has already

established a tradition of staging free musical performances at fixed times; prices in the bars and terraces are attractive; the policy on admission fees for exhibitions is dictated by the same principles of easy, widespread access to cultural events. As a result, a cultural tradition is being created in this part of the city, alongside its abundant monuments and the beauty of its sights. The auditorium for cultural events from other parts of Portugal, which the Belém Cultural Centre helped establish, should also be mentioned.

591. The Serralves Foundation plays a somewhat similar role in the city of Porto, despite the fact that a large modern art museum is now being built, under the direction of Mr. Siza Vieira; at this stage, it naturally has an impact on all the Foundation's other activities.

592. The cultural merit grants are intended to help meet the financial needs of artistes in a broad range of fields who, usually because of old age but also illness, are unable to meet those needs on their own. The grants do not have to be paid back and are disbursed monthly, generally in amounts equivalent to twice the national minimum wage; they are terminated once there is no longer any justification for them (usually upon the artiste's death). The State considers itself duty-bound to maintain this form of additional support, paid to some 150 artistes, which is also a means of giving recognition to their work.

F. Cinema, radio, television and photography

593. In Portugal, the cinema, radio and television are not financed directly by taxes paid into the State budget but raise the necessary funds from a television advertising tax. This fact has always given special autonomy to the Portuguese Cinematographic and Audio-visual Arts Institute, irrespective of the supervision of the Ministry of Culture, and particularly to the various selection juries which operate under its aegis.

594. With the creation of the Ministry of Culture as part of the structure of the thirteenth constitutional Government, new guidelines for this sector have naturally emerged; they will be reflected in amendments to the Cinema Act (as ratified by Decree-Law No. 350/93 of 7 October). New regulations were promptly adopted to support the various forms of film production. Order No. 86/96 of 18 March ratified new regulations for selective financial support of full-length feature films. Order No. 314/96 of 29 July did the same for direct funding of film production, Order No. 315/96, also of 29 July, for co-productions, Order No. 316/96 for short feature films and Order No. 317/96 for directors' first films (full-length feature films). Order No. 496/96 of 18 September calls for the development and production of documentary films, while Order No. 496/96 relates to cartoon films.

595. Stress should also be laid on the signing of two protocols between the Ministry of Culture and the national television broadcasters - Portuguese Radio-Televisão and the Independent Media Group - to create mechanisms for the joint financing of films and television programmes.

596. All these regulations conform to a number of general principles: the establishment of the grant-in-aid as the sole means of financial support (abandoning the repayable grant, which has proven difficult to administer in

practice); limiting the jury's mandate to one year, with specific evaluation criteria; allowing directors to stand as candidates even though the grants continue to be paid solely to producers; paying the producer, through a number of forms of support and as of the signing of the first financial support agreement, an amount equal to 20 per cent of the total grant, which will enable him to undertake the preparation and financing of the project.

597. It was again under the current Government that Portugal, by Decree No. 21/97 of 23 July, acceded to the European Convention on Cinematographic Co-Production, which was opened for signature in Strasbourg on 2 October 1992 and negotiated within the framework of the Council of Europe. This Convention seeks to strengthen cinematographic co-production in Europe as an instrument of creativity and for the expression of cultural diversity.

598. In statistical terms, cinema attendance amounted to 7.4 million in 1995 (4.1 million in the evenings and 3.3 million at matinees), or about 90 per cent of the nation's total recorded audiences at all types of public performances in that year. This represents a 0.5 per cent increase over 1994 and is especially significant because it constitutes a reversal of the previous downward trend.

599. Also for the first time, the current Government is planning the creation of an autonomous body specifically responsible for photography, thereby rescuing it from the secondary status imposed on it by its inclusion in other fields, most recently in the body responsible for museums. This new institution, the Portuguese Photography Centre, will have its headquarters in Porto.

G. Books and publishing

600. Books and publishing constitute an area where the current Government has made one of its most important and consistent efforts to introduce legislation; these efforts consist primarily of a support programme for the publishing sector and the fixed-price law. The programme was adopted by Decision No. 133/96 of the Council of Ministers, published in the Official Gazette of 27 August. It calls for economic, financial and training measures, literary fellowships and a bibliographic network covering the Portuguese-speaking communities.

601. The economic and financial measures are intended to develop and strengthen the fabric of firms in the publishing sector and focus on a number of courses of action: giving a new impetus to firms and enhancing their cooperation, strengthening innovation and technological updating, and creating new bookstores and multimedia products (in close cooperation with the Mosaico initiative/Portuguese culture in the information society). As part of these measures, in furtherance of the incentives established by the Second Community support framework, regulations were enacted on the granting of financial support to firms in the publishing sector, the funds being provided by the Cultural Development Fund. They were approved by Order No. 104/96 of 21 October and call for the disbursement of grants-in-aid and loans (in this case, repayable over a five-year period in biannual interest-free instalments, and with a two-year grace period).

602. The training measures essentially apply to the publishing sector and, in addition to personnel training (for booksellers and section chiefs), include the training of trainers, initial training of young people and management training; the creation of a marketing support office is also planned. The relevant institutions of the Ministry of Culture, the Portuguese Association of Publishers and Booksellers, the Vocational Training Centre for the book trade and related sectors, and the Employment and Vocational Training Institute took part in this training plan.

603. The literary fellowships are intended to encourage the production of literary works, including poetry, prose and drama, and are awarded annually on the basis of public competition; their acceptance by Portuguese citizens carries with it a restriction, namely, the prohibition, for the duration of the fellowship (theoretically one year, which may be extended once by the same length of time), of any remuneration under a work contract from any public or private entity. The first competition was approved by Order No. 517/96 of 26 September.

604. The Portuguese-language bibliographic network is a programme of activities involving the book and publishing sectors in the five African countries where Portuguese is the official language. It is aimed at ensuring the effective presence of Portuguese literature and culture, and at contributing, through the revival and expansion of the public and private bodies involved in the sector, to the economic and cultural development of those countries. The network's activities will cover three areas: the recovery and revitalization of libraries and archives; the revitalization of the graphic arts and distribution and marketing systems; and the promotion of reading (organization of fairs and award of prizes, support for writers' associations and organization of cultural weeks).

605. The setting of fixed prices for books was instituted by Decree-Law No. 176/96 of 21 September, which is becoming the most successful European experiment in the field, based on the European Parliament's recommendation of January 1994, as called for by the Community's Gutenberg Programme. It is intended to promote the revitalization of the book sector. In the Portuguese cultural tradition, the free and unrestricted enjoyment of books by the public is considered a cultural priority throughout the country, while at the same time it must be recognized that books are also an economic product, to be bought and sold. The restriction established by this measure consists essentially in prohibiting retailers from setting a retail price of less than 90 per cent of the price set by the publisher or importer, for a period of 18 months after publication or importation.

606. There is also a policy of granting cultural subsidies in conjunction with institutions other than the Ministry of Culture (usually, public enterprises from other sectors of activity); these have proved particularly effective in encouraging new authors and new languages. The subsidies cover almost all literary genres (poetry, novels, short stories, essays, drama, biography), and their amount, which is in some cases considerable, in some way reflects the elevated status accorded by Portuguese society to literature and those who devote themselves to it. The subsidies are generally awarded by a specialized jury, usually appointed by the Portuguese Writers Association, and anyone, almost always under a pseudonym, is free to participate.

607. The publishing sector experienced an overall increase in activity in 1995, as is apparent from the number of works published (6,523, as opposed to 6,341 in 1994) and the number of works registered with the National Library (7,661 in 1994 and 10,509 in 1995). There were no significant changes in the types of books published (during those two years, social sciences and law came first, followed by literature and applied sciences) or in the original language (English continues to occupy second place). The support granted by the Ministry of Culture for associations in this sector should also be stressed - first the Portuguese Writers Association, but also the Portuguese Language Society, to name but two. Without this support these associations would find it difficult to survive.

H. Music

608. State involvement in this field in recent years has taken two forms: the amendment of the statutes of a number of institutions directly subordinate to the Ministry of Culture (the São Carlos Foundation and its Symphony Orchestra; the Porto Classical Orchestra, which will soon become autonomous), as explicitly provided for in the Government's programme, which is still being finalized; and the Government's commitment to creating a network of regional orchestras, in which the Northern Orchestra is the most advanced and the Beiras Orchestra is at the consolidation stage.

609. This policy will contribute greatly to broadening access to musical culture; it will reach the largest segments of the population, thanks to cooperation between local communities and the Ministry. There is also a link, in terms of the employment of senior musicians, with specialized educational institutions. This is revitalizing the musical environment and giving a fillip to the job market for musicians.

610. Music is one of the areas of Portuguese society in which the involvement of patrons has made itself felt, as the relationship between the economy and culture is very conducive to the development of music.

I. Plastic arts

611. Plastic arts represent a field which, of all the activities of the Ministry of Culture, traditionally carries the least weight in terms of expenditure. However, a change may reasonably be expected once the Museum of Modern Art of the Serralves Foundation opens and the Contemporary Art Institute responsible for the plastic arts is created. This Institute, established by the Organizational Act of the Ministry of Culture, will encourage the participation of artists and national galleries in the principal international forums (fairs, exhibitions, biennials, salons, etc.) and will be responsible for acquiring works of art in order to enrich the collections of the State and its museums. The Portuguese Photography Centre, with headquarters in Porto, should also be mentioned.

612. In the present circumstances, the support granted by the Ministry of Culture to the Arpad Szênes-Vieira da Silva Foundation through the Cultural Development Fund should be stressed, as it has extended well beyond the

museum construction stage. Also noteworthy is the role of the International Relations Office, which has continued to be very active in this field by financing travel and granting study fellowships.

613. Irrespective of the activities of the Ministry of Culture and its good intentions, it would be helpful to know how those concerned feel about its policy. The recent creation of the Cultural Activities Watchdog Committee meets this concern. The Ministry of Culture and the National Statistical Institute are its founding members, along with the University of Lisbon, through the Social Sciences Institute. Without prejudging the work already completed, it would seem appropriate to consult the principal organizations representing creative artists, such as the Portuguese Society of Authors.

Notes

1/ Website: http://www.gddc.pt.

2/ Website: http:/www.min-nestrangeiros.pt.

3/ See annex 1 to this report.

4/ For statistical data on this subject, see annex 2 to this report.

5/ In East Timor (Portugal v. Australia), judgment, I.C.J. Reports 1995, p. 94.

6/ For information in Portuguese: http://www.infocid.pt; in English: http://www.infocid.pt/English/welcome.htm.

7/ This organ is mentioned because it seems to us that there is a risk that intelligence-gathering may be against citizens' interests and that it is therefore necessary to examine the legislation governing the organ.

8/ Another judgement on the same topic and organization is that of 15 June 1988.

9/ Until 25 April 1974, this was the organ responsible for centralizing information. It was dissolved following the establishment of the new Republic after the revolution of 25 April. The basic law of the new Republic is the Constitution of 1976 and it is that which defines Portugal's current political system.

10/ The municipal authorities first made specific reference to Gypsies, but, in view of the public reaction, it amended the wording of the regulation and attempted to justify it by prohibiting illegal and clandestine construction. The Administrative Court of first instance referred to the latter regulation (which was deemed to be not a regulation, but an administrative order) and declared it invalid (i.e. null and void).

11/ The Government's programme on labour policies is contained in annex 3 to this report.

12/ The Ministry of Training and Employment has set up an Internet site (address: http://www.min-qemp.pt; for information in English, the English version is on: http://www.min-qemp.pt/ingles/indexi.htlm).

13/ For more data on this question, see annex 4.

14/ For a summary of the opinions issued by the CITE between 1993 and 1994, see annex 5.

15/ See annex 6 to this report, table 1.

16/ For more statistical data, see annex 7 to this report.

17/ For more statistical data, see annex 8 to this report.

18/ See annex 9 to this report.

19/ See annex 10 to this report.

20/ For the calculation method, see annex 11 to this report.

21/ For statistical data on this subject, see annex 12.

22/ See annex 13 containing a summary of the housing situation in Portugal.

23/ The Ministry of the Environment has opened an Internet Website with the following address: http://www.dga.min-amb.pt.

24/ See annex 14.

25/ See annex 14, table I.

26/ See annex 14, tables II, III and IV.

27/ By way of illustration, see annex 14, tables V and VI.

28/ All tables mentioned in this paragraph appear in annex 14 to this report.

29/ See figures 11, 12 and 13.

30/ For information on education policy in Portugal (as well as other information on education), see the Ministry of Education Website at http://www.min-edu.pt.

31/ Information on higher education may be obtained from http://www.min-edu.pt\sees.

32/ The site address is http://www.mct.pt.

33/ The Ministry of Culture has set up a Website on the Internet at http://www.min-cultura.pt (for information in English see the English version at http://www.min-cultura.pt/index_en.html).

34/ See annex 15 for total visitors recorded by each institution, and changes over the period 1994-1995.